The City Council of the City of Raleigh met in regular session on Tuesday, March 1, 1983, at 1:00 p.m., in the City Council Chamber of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and invocation was rendered by Councilman Calloway, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PERSONNEL - JOHN BAKER, SR. RECOGNIZED

Mayor York indicated recently the City had an Employee Awards Luncheon. He indicated one employee who has given forty years of service was not able to be at the luncheon. He called on John Baker, Sr., and presented him with his pin representing forty years of service with the City of Raleigh.

CAROLINA PINES PARK - SCORE BOARDS - CONTRIBUTION NOTED

Mayor York called on Luke Allen, representing the Coca Cola Bottling Company, Bonnie Young, representing the South Raleigh Civitan Club, and Charles Baker, representing the Capital City Umpires Association. Mr. Young indicated the South Raleigh Civitan Club, in connection with the Coca Cola Bottling Company and the Capital City Umpires Association, have donated two electric score boards for the softball fields at Carolina Pines Park. Mr. Young indicated they would be asking the City of Raleigh to install the score boards and, at that time, they will become City property. He indicated this represents a contribution of $2,111.20. Mayor York expressed appreciation, indicating the score boards will be an asset to the City of Raleigh.

PERSONNEL - JOE BEANE - RECOGNIZED

Mayor York called on City Manager Zachary to ask Joe Beane of the City Engineering Department to come to the podium. Mr. Zachary indicated we have a number of City employees in various educational programs who are trying to upgrade their skills to provide better service to the City of Raleigh and the citizens of Raleigh. He indicated Joe Beane recently took the licensing examination and has now be qualified as a professional engineer. He commended Joe Beane for his efforts and congratulated him on this accomplishment.

CONTRIBUTION - FIRST PRESBYTERIAN CHURCH - NOTED

Mayor York read a letter from Dr. Albert G. Edwards, representing the First Presbyterian Church, presenting the City with a check in the amount of $500 for the services provided by the various departments of the City Government. Mayor York expressed appreciation for this gesture.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Consent Agenda, indicating all items are considered to be routine and may be enacted by one motion. He indicated if a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately and pointed out the vote on the Consent Agenda would be a roll call vote. Mr. Edwards requested THAT THE GREEN ROAD RECOMMENDATIONS AND THE TRANSFER RELATING TO THE BOYLAN AVENUE BRIDGE BE WITHDRAWN. Mr. Upchurch requested THAT THE TRAFFIC ITEM RELATING TO ARTSPLOSURE BE WITHDRAWN FROM THE CONSENT AGENDA. Without objection, these two items were withdrawn. Mr. Upchurch MOVED ADMINISTRATION'S RECOMMENDATION ON THE REMAINING ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Edwards, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

ASSESSMENT - REMOVAL FROM COLLECTIONS DIVISION'S LIST - AUTHORIZED

The following old abatements are considered to be uncollectible, due to the age and insufficient information needed to follow through on collections:

H. A. Medlin, Heirs - Tarboro Road - 9210-M-001-5 - $40.50;

Celester Williams Estate - 1102 Smith Street - 8967-W-001-5 - $49.82;

Julia Lane, Heirs - 507½ Alston Street - 0130-L-001-5 - $46.80;

Dora & Kenneth Hawkins, Heirs - 507 Cannon Avenue - 1720-H-001-5 - $170.64.

ADMINISTRATION RECOMMENDS THAT THE CITY COUNCIL REMOVE THESE ABATEMENTS FROM OUR OUTSTANDING LIST. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

ARTS COMMISSION - GRASSROOTS PROGRAM FUNDING - APPLICATION TO BE FILED

For the past three years, the Arts Commission has been involved in the Grassroots Arts Program funded by the State Arts Council, with the City of Raleigh serving as a distributing agent for Wake County.

The Grants Review Committee reviewed the Arts Commission's application and approved it with the understanding, that if the 3% indirect cost allocation funds are to be used for an evaluation of the Grassroots Program, an outside agency should perform the review, and that the contract for the consultant should follow the City's normal operating procedure for hiring of consultants.

The amount of the grant application is $43,800. It is recommended THAT THE ARTS COMMISSION BE PERMITTED TO SUBMIT THIS APPLICATION TO THE STATE ARTS COUNCIL AND THAT THE MAYOR BE AUTHORIZED TO SIGN THE SAME. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

CETA TITLE IIB CONTRACT - RESOURCE ASSOCIATES - APPROVED

This is a training and service contract for fifty participants for the purpose of providing competency based, self-directed job search training and job placement services. This contract also provides for the development of ten OJT slots. The contract period begins March 2, 1983, and ends September 30, 1983, at a total cost of $34,000 to CETA.

COUNCIL APPROVAL OF THIS CONTRACT IS RECOMMENDED AND THE RELATED TRANSFER OF FUNDS. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1983) 173 TF 30

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following transfer is hereby approved in order to provide funds for new training service contract as follows:

From:	03-2-5400-131	Service Salaries	$34,000.00
To:	03-2-5445-100	Resource Associate	$34,000.00

Adopted: 3/1/83

RSVP - RENTAL AGREEMENT - AUTHORIZED

It is requested THAT THE CITY ENTER INTO A ONE-YEAR RENTAL AGREEMENT WITH THE RALEIGH HOUSING AUTHORITY FOR SPACE TO HOUSE THE RSVP PROGRAM. The current RSVP Program was authorized by City Council on February 1, 1983. The rental space is located at 616 Tucker Street and consists of 480 square feet with a rental rate of $1,320. The rate for the past year was $1,200. APPROVAL IS RECOMMENDED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

CP&L ENCROACHMENT - SANITARY SEWER EASEMENT - AUTHORIZED

Carolina Power and Light Company desires to encroach within an existing sanitary sewer easement located off Andrews Lane so that they may install an electrical service line. Administration has reviewed the encroachment agreement and is in agreement with the terms and conditions as mentioned with that document. The City Attorney's Office has reviewed the agreement and has approved its form.

ADMINISTRATION RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN THIS ENCROACHMENT AGREEMENT BETWEEN THE CITY AND CP&L. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

SLUDGE APPLICATION AGREEMENT - D. G. HOPKINS - MAYOR AUTHORIZED TO SIGN

Administration has an agreement from Mr. D. G. Hopkins for the application for digested sludge on his pasture, crop and small grain farm land. This is the third application for sludge disposal on private land.

ADMINISTRATION RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN THIS AGREEMENT SO THAT WE CAN SUBMIT IT TO THE N. C. DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT FOR A PERMIT AMENDMENT. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

SHELLEY ROAD BOOSTER PUMPING STATION - ENGINEERING SERVICES AGREEMENT AMENDMENT - AUTHORIZED

The existing engineering services contract establishes only a daily rate for the resident inspector relating to the Shelley Road Booster Pumping Station. It has become apparent that in the interest of both economics for the City and flexibilities for the engineer, the inspection may be made on an hourly basis rather than a daily basis. The proposed amendment simply reestablishes the same rate of compensation for

the resident inspector (based on an eight hour day) at an hourly rate rather than a daily rate.

ADMINISTRATION RECOMMENDS THAT THE CITY COUNCIL APPROVE THIS AMENDMENT AND AUTHORIZE THE MAYOR TO EXECUTE THE SAME. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

PARKS - ENGINEERING CONTRACT FOR LIGHTING - AWARDED TO L. E. WOOTEN AND COMPANY

Fees have been negotiated with L. E. Wooten and Company for the electrical design work at Lions, Carolina Pines, Oakwood and Biltmore Hills Parks for a total fee of $19,993.80.

The City Council authorized Administration to negotiate a contract with L. E. Wooten and Company at their meeting on February 15, 1983, subject to negotiation of a contract and an acceptable fee.

ADMINISTRATION RECOMMENDS APPROVAL OF THE CONTRACT WITH L. E. WOOTEN AND COMPANY AND THE PROPER TRANSFER OF FUNDS AS OUTLINED IN THE AGENDA. Consent Agenda approval - Upchurch/Edwards - 8 ayes. See Resolution 175 TF 31.

NEUSE RIVER WASTEWATER TREATMENT PLANT EXPANSION - PHASE I - SOILS AND MATERIALS APPROVED AS A SUBCONSULTANT

Hazen and Sawyer, P.A., the consulting engineers for the City of Raleigh on the expansion of the Neuse Wastewater Treatment Plant, was previously authorized to utilize Soils and Materials Engineers as a subengineering consultant to Hazen and Sawyer. Due to the working relationship, plus familiarity with the project that has existed as a result of this, Hazen and Sawyer is recommending that the firm of Soils and Materials Engineers be approved as a continuing subcontractor relating to the construction material testing on the Neuse River Wastewater Treatment Plant Expansion - Phase I.

ADMINISTRATION RECOMMENDS THAT THE REQUEST OF HAZEN AND SAWYER BE GRANTED AND THAT SOILS AND MATERIALS ENGINEERS BE APPROVED FOR USE AS THE SUBCONSULTANT. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

FAYETTEVILLE STREET MALL - SALES DURING ARTSPLOSURE - APPROVED AS OUTLINED

ArtsPlosure, Inc., has obtained permits for art related activities on the Fayetteville Street Mall from April 21, through July 21, 1983, with the primary ArtsPlosure events taking place between April 22 and April 29.

As a part of those events, the ArtsPlosure sponsors HAVE REQUESTED PERMISSION TO HAVE INDIVIDUAL ARTISTS AND CRAFTSPERSONS DISPLAY AND SELL THEIR ARTS AND CRAFTS ON THE 200 BLOCK OF THE MALL DURING THE WEEK OF APRIL 25 THROUGH 29, WITH RAIN DATES OF MAY 2 THROUGH 6. Such sale of art works and handicrafts on the Mall requires City Council permission in accordance with Section 9-7004(b) of the Raleigh City Code. ADMINISTRATION RECOMMENDS APPROVAL. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

GREENWAY FUNDS - TRANSFER - APPROVED

The City of Raleigh is holding $5,000 in the Greenway Reserve Account. This money was acquired through the sale of greenway land by the City of Raleigh to the developer of Koger Executive Center for a storm water structure.

These funds cannot be used until they are transferred into an expenditure account. THE GREENWAY COMMISSION AND THE CITY PLANNING STAFF REQUEST THAT THE COUNCIL TRANSFER THESE FUNDS INTO A GREENWAY ACCOUNT TO BE USED SPECIFICALLY FOR GREENWAY SIGNS AND MAPS AND ADMINISTRATION CONCURS AND RECOMMENDS APPROVAL. Consent Agenda approval - Upchurch/Edwards - 8 ayes. See Resolution 175 TF 31.

MUNICIPAL AGREEMENT - DAWSON STREET EXTENSION - APPROVED

The Department of Transportation RECOMMENDS THAT THE CITY COUNCIL APPROVE AND AUTHORIZE THE MAYOR TO SIGN A MUNICIPAL AGREEMENT WHEREBY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION WILL REIMBURSE THE CITY'S TRANSPORTATION DEPARTMENT A LUMP SUM TOTAL OF $7,452 FOR TRAFFIC SIGNAL WORK TO BE PERFORMED ON DAWSON STREET EXTENSION AT SOUTH STREET AND LENOIR STREET. The State Department of Transportation will provide all of the equipment for installation of the South Street signals and for revisions in the Lenoir Street signals. The City will perform all of the work for the above for the lump sum reimbursement of $7,452. This reimbursement will totally cover all City costs associated with this work and ADMINISTRATION RECOMMENDS APPROVAL OF THE MUNICIPAL AGREEMENT. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1983) 174

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF RALEIGH, NORTH CAROLINA

A motion was made by Councilman Upchurch and seconded by Councilman Edwards for the adoption of the following resolution, and upon being put to a vote was duly adopted:

WHEREAS, the North Carolina Department of Transportation proposes to make certain traffic control improvements under Project 9.8059132, Wake County; said improvements to consist of installing traffic signals at the intersection of SR 1012 (South Street) and SR 1511 (Dawson Street Extension); and, revising the traffic signal at the intersection of SR 1511 (Dawson Street) and SR 1512 (Lenoir Street); and,

WHEREAS, said Department of Transportation desires to enter into an agreement with the City of Raleigh whereby the City shall install the traffic signals to be furnished by said Department; and,

WHEREAS, the Department of Transportation shall reimburse the City of Raleigh a lump sum amount of $7,452.00 for the work performed by the City.

NOW, THEREFORE, BE IT RESOLVED that the agreement for the installation of traffic signals is hereby formally approved by the City Council of the Municipality of Raleigh and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the agreement with the Department of Transportation.

I, Gail G. Smith, Clerk of the Municipality of Raleigh, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the 1st day of March, 1983.

WITNESS, my hand and the official seal of said Municipality on this the 4th day of March, 1983.

TAXICAB OWNER'S PERMIT - ARCHIE C. BOND - APPROVED ON FIRST READING; TO BE PLACED ON MARCH 15, 1983 AGENDA

An application has been received from Archie C. Bond for a new franchise for a limousine and taxi service. The application has been checked and meets all the requirements of the City Code. ADMINISTRATION RECOMMENDS APPROVAL OF THE NEW FRANCHISE AS OUTLINED ON THE FIRST READING WITH THE UNDERSTANDING IT WILL BE PLACED ON THE MARCH 15, 1983 AGENDA FOR SECOND AND FINAL READING. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

COMMUNITY DEVELOPMENT - BUDGET AMENDMENT - AUTHORIZED

A budget amendment in the amount of $2,533.23 to utilize available program income for acquisition expenses in Phase II was presented. ADMINISTRATION RECOMMENDS APPROVAL OF THE CD BUDGET AMENDMENT AS OUTLINED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

ORDINANCE NO. (1983) 70

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 Budget be amended as follows to utilize available program income for acquisition expenses in Phase II:

Revenue:	43-1-4000-101	Program Income	$2,533.23
Expense:	43-2-4020-100	Acq. of Real Property	$2,533.23

Adopted: 3/1/83

REIMBURSEMENT CONTRACTS - DEVELOPMENT ASSOCIATES - AUTHORIZED

Two reimbursable contracts have been prepared for Council approval and the Mayor's signature. Costs have been certified by the Central Engineering Department. APPROVAL OF THE TWO REIMBURSEMENT CONTRACTS IS RECOMMENDED AND AUTHORIZATION FOR THE MAYOR'S SIGNATURE IS REQUESTED. The contracts are as follows:

Development Associates
8" Water Line, Stonehenge VI
$4,010.25

Development Associates
Water Acreage Fee, Area 8, No. 17
12" Water Line in Howard Road
$2,250.00

Consent Agenda approval - Upchurch/Edwards - 8 ayes.

PRIVILEGE LICENSE - TALKING SIGNS - REQUEST FOR REFUND - APPROVED

Joe Walters, owner of Talking Signs, located on Route 1, Lot 5, Flowers Trailer Park, Knightdale, North Carolina, has given written request for a refund of $12.50 paid for 1982/83 City of Raleigh Privilege License. The reason for this request is that the type of business, "Walking About Streets Displaying Signs," City Code Section 2-2013, is in conflict with the City Sign Ordinance, City Code Section 10-2065.6(2). This request has been verified by the Zoning Inspections Division and found to be in

order. ADMINISTRATION RECOMMENDS THE REQUEST FOR REFUND AS OUTLINED BE APPROVED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

UTILITY ACCOUNT OVERPAYMENT - REQUESTED REFUND - INFORMATION RECEIVED

The City Council has previously requested that they be notified of refunds to customers of water/sewer accounts involving errors by the City and/or customer. Billy R. Helms, 6212 Winthrop Drive was charged for water and sewer service. The City's Public Utilities Department has verified that the sewer is not connected. Therefore, the entry in the amount of $76.15 refund is to adjust the account and refund overcharge. The item was received as information.

FIRE STATION #18 - CHANGE ORDER #1 - MANAGER'S ACTIONS CONCURRED WITH

Change Order #1, Saieed Construction Company, relating to Fire Station #18 has been approved administratively by the City Manager. The change order is for an addition of $352.96. The Agenda listed the transfers that have also been approved administratively. CONCURRENCE WITH THE MANAGER'S ACTIONS ON CHANGE ORDER #1 - FIRE STATION #18 IS RECOMMENDED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

MUNICIPAL BUILDING - CHANGE ORDER #G-1 - MANAGER'S ACTIONS CONCURRED WITH

Change Order #G-1 with Mid South Construction Company has been approved administratively by the City Manager. This change order does not involve any funds and is to rearrange and enlarge the City Attorney's Office Space.

CONCURRENCE WITH THE MANAGER'S ACTIONS ON CHANGE ORDER #G-1 - MID SOUTH CONSTRUCTION COMPANY IS RECOMMENDED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

MUNICIPAL BUILDING - CHANGE ORDER #E-2 - BOLTON CORPORATION - APPROVED

This change order is for a deduction of $10,784 and is known as Change Order #E-2 - Bolton Corporation, Municipal Building, City of Raleigh. The change order is needed to reduce the footage of electrical wiring required from the transformer to the panel box. The Agenda outlined the budget accounts that need to be amended if the change order is approved. ADMINISTRATION RECOMMENDS APPROVAL OF THE CHANGE ORDER AND THE BUDGET TRANSFER AS OUTLINED. Consent Agenda approval - Upchurch/Edwards - 8 ayes. See Resolution 175 TF 31.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of transfers which have been approved administratively according to Council procedure. CONCURRENCE WITH THE MANAGER'S RECOMMENDATIONS ON THE ADMINISTRATIVE TRANSFER IS RECOMMENDED. Consent Agenda approval - Upchurch/Edwards - 8 ayes. The transfers were as follows:

From	To	Amount
06-2-7090-260	06-2-7090-719	$200.00
01-2-3030-234	01-2-3030-260	300.00
06-2-7010-721	06-2-7010-213	350.00
81-2-1000-300	81-2-2130-103	300.00
37-2-1000-100	37-2-1120-402	162.67
19-2-8110-534	19-2-8110-260	400.00
01-2-5020-702	01-2-5020-218	990.00
43-2-4090-260	43-2-4090-213	30.00
02-2-4370-100	02-2-4370-228	152.01
02-2-4370-101		82.30
02-2-4370-240		26.15
02-2-4370-226		8.00
06-2-7100-002	06-2-7010-726	200.00
19-2-8110-534	19-2-8110-273	200.00
01-2-1150-260	01-2-1150-700	84.00
34-2-3826-107	34-2-3826-101	352.96

TRANSFERS - WITHIN VARIOUS ACCOUNTS AND CONTINGENCIES - RESOLUTION AND ORDINANCE ADOPTED

The Agenda listed recommended transfers within various accounts and appropriations from various contingencies as set out in the Agenda.

APPROVAL OF THE TRANSFERS AS OUTLINED IN THE AGENDA IS RECOMMENDED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1983) 175 TF 31

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 29, 1982, and included in the budget for the fiscal year ending June 30, 1983, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

	CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	01-2-1040-011	Res. - Park Maintenance	$130,000.00
To	01-2-6060-100	Salaries	22,288.00
	01-2-6060-213	Reg. & Sub.	300.00
	01-2-6060-230	M&O	400.00
	01-2-6060-227	Equipment Repairs	100.00
	01-2-6060-237	Car Rental	450.00
	01-2-6060-240	Photo & Blue Print	100.00
	01-2-6060-260	Office & Other Supplies	150.00
	01-2-6060-700	Auto	7,000.00
	01-2-6060-701	Radio	1,650.00
	01-2-6060-702	Desk (3)	1,350.00
	01-2-6060-703	Chair (3)	570.00
	01-2-6060-704	File Cabinets (3)	615.00
	01-2-6060-705	Bookcase	756.00
	01-2-6060-706	Desk	490.00
	01-2-6060-707	Chair	125.00
	01-2-6060-708	Typewriter	880.00
	01-2-6060-709	Bookcase	756.00
	01-2-6060-710	File Cabinet	205.00
	01-2-6060-711	Turf Tractors	52,000.00
	01-2-6060-712	Aerator/Seeder	4,200.00
	01-2-6060-713	Grading Attachment	3,000.00
	01-2-6060-714	Mowers (72")	32,615.00

Purpose: To fund first phase of Parks Technical Committee Report.

From	37-2-8994-200	Lions Park	$ 19,993.80
To	37-2-8994-202	Lions Lights	19,993.80

Purpose: For electrical engineer's service for electrical design work at Lions, Carolina Pines, Oakwood and Biltmore Hills Parks.

From	34-3-3000-157	Greenway Reserve	$ 5,000.00
To	34-2-3305-101	Greenway Signs & Maps	5,000.00

Purpose: To allow use of funds received through the sale of greenway land to be used to purchase signs and maps for greenways.

From	34-2-3805-113	Electrical	$ 10,784.00
To	34-2-3805-100	Municipal Block Complex	10,784.00

Purpose: New Municipal Building - Change Order E2 - Bolton Corporation

From	01-2-4130-264	Laundry	$ 3,000.00
To	01-2-4110-260	Office Supplies	1,500.00
To	01-2-4130-700	New Equipment	1,500.00

Purpose: To provide operating funds for the remainder of the fiscal year.

From	01-2-4030-230	M&O	$ 10,000.00
To	01-2-4020-230	M&O	10,000.00

Purpose: To transfer vehicle M&O to cover expenses of transferring vehicles from one division to another within the department.

From	01-2-5020-702	Air Compressor	$ 2,000.00
To	01-2-5020-218	Gas & Oil Service	2,000.00

Purpose: To provide necessary funds through June, 1983.

From	01-2-5020-617	Leaf Machine	$ 676.00
From	01-2-5020-620	Air Compressor	948.00
To	01-2-5020-709	Bituminous Recycling	1,624.00

Purpose: To convert Bituminous Recycler emulsion tank from LP gas to electric.

From	37-2-1000-100	Council Reserve	$ 11,739.83
To	37-2-2430-201	Methodist Home Utilities	11,739.83

Purpose: For the necessary change-over for the water and electrical service on that portion of Methodist Home property now owned by the City of Raleigh.

Adopted: 3/1/83

ORDINANCE NO. (1983) 71 TF 14

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That $1,565.00 of the General Fund Contingency appropriation, Code Account 01-2-1040-001, is hereby transferred from that appropriation and added to the appropriations made in the 1982/1983 Budget ordinance as follows:

$500.00 to Code Account 01-2-6010-265, Other Services, to fund SADD (Students .Against Drunk Drivers) program to be conducted by Youth Council.

$1,065.00 to Code Account 01-2-1020-266, Bus Services, to fund the use of three CAT buses in connection with new Art Museum on April 8 and 9 - See Council Minutes 3/1/83.

Adopted 3/1/83

BID REQUEST 82-36 - POLICE RADIOS AND GENERAL ELECTRIC COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on February 8, 1983, for police radios with results as follows:

Item 1 - Mobile Radios
Motorola Communications and Electronics - $1,387
General Electric Company - 1,439

Item 2 - Portable Radios - 4 Watt
General Electric Company - $1,223
Motorola Communications and Electronics - $1,208

The radio which Motorola bid did not meet our requirements.

ADMINISTRATION RECOMMENDS THAT ITEM 1, MOBILE RADIOS BID BE AWARDED TO MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., AND AND PORTABLE RADIOS - 4 WATT - BE AWARDED TO GENERAL ELECTRIC COMPANY. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

BID REQUEST 82-42 - POWER VACUUM SWEEPER - BID AWARDED TO TENNANT COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on February 14, 1983, for a power vacuum sweeper less trade with results as follows:

Tennant Company - $12,945.10
Hunt and Company, Inc. - $16,224.00.

ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY TENNANT COMPANY BE AWARDED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

BID REQUEST 82-47 - BASEBALL EQUIPMENT - JOINT AWARD MADE TO JOHNSON LAMBE COMPANY AND THE LOCKER ROOM

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on February 14, 1983, for various baseball equipment with results as follows:

Item 1	Home Plates	
	Johnson Lambe Company	13.46
	The Locker Room	16.40
	RECOMMEND: Johnson Lambe Company	
Item 2	Double Strap Bases	
	Johnson Lambe Company	25.47
	The Locker Room	33.49
	RECOMMEND: Johnson Lambe Company	
Item 3	Base Spikes	
	The Locker Room	.61/each
	Johnson Lambe Company	.64/each
	RECOMMEND: The Locker Room	
Item 4	Little League Baseballs	
	Johnson Lambe Company	25.31/dozen
	The Locker Room	27.75/dozen
	RECOMMEND: Johnson Lambe Company	
Item 5	Jr. League Baseballs	
	Johnson Lambe Company	36.92/dozen
	The Locker Room	39.75/dozen
	RECOMMEND: Johnson Lambe Company	
Item 6	Practice Balls	
	Johnson Lambe Company	22.65/dozen
	The Locker Room	27.75/dozen
	RECOMMEND: Johnson Lambe Company	
Item 7	Ump Chest Protectors	
	Johnson Lambe Company	24.38/each
	The Locker Room	26.00/each
	RECOMMEND: Johnson Lambe Company	

Item 8	Little League Head Protectors	
	Johnson Lambe Company	7.38
	The Locker Room	10.50
	RECOMMEND: Johnson Lambe Company	
Item 9	Senior League Head Protectors	
	Johnson Lambe Company	9.98
	The Locker Room	10.50
	RECOMMEND: Johnson Lambe Company	
Item 10	Catchers Mask	
	Size A: Johnson Lambe Company	9.97
	The Locker Room	10.95
	Size B: Johnson Lambe Company	7.97
	The Locker Room	9.95
	RECOMMEND: Johnson Lambe Company	
Item 11	Catchers Mitts	
	Johnson Lambe Company	27.62/each
	The Locker Room	32.00/each
	RECOMMEND: Johnson Lambe Company	
Item 12	Catchers Helmets	
	Johnson Lambe Company	9.67/each
	The Locker Room	11.95/each
	RECOMMEND: Johnson Lambe Company	
Item 13	Throat Guard	
	Johnson Lambe Company	2.91/each
	The Locker Room	3.05/each
	RECOMMEND: Johnson Lambe Company	
Item 14	Harness	
	The Locker Room	28.00
	Johnson Lambe Company	29.89
	RECOMMEND: The Locker Room	
Item 15	Indicators	
	Johnson Lambe Company	10.72/dozen
	The Locker Room	14.95/dozen
	RECOMMEND: Johnson Lambe Company	

ADMINISTRATION RECOMMENDS THE LOW BIDS AS OUTLINED ON THE BID TABULATION. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

BID REQUEST 82-48 - WATER METERS - BID AWARDED TO ROCKWELL INTERNATIONAL

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on February 14, 1983, for various sized water meters with results as follows:

Rockwell International - $10,353.02
Neptune Water Meter Company - $10,600.00

ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY ROCKWELL INTERNATIONAL BE AWARDED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

Bids and the presented recommended changes in the traffic code relating to channelization and "No Parking" on New Hope Church Road and Camelot Drive. ADMINISTRATION RECOMMENDS APPROVAL OF THE TRAFFIC CHANGES AS OUTLINED ON THE AGENDA. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

ORDINANCE NO (1983) 72

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 6B1 entitled "CHANNELIZATION" be amended by adding the following:

New Hope Church Road, eastbound, at Wake Forest Road

Section 2. That Schedule 6B11 entitled "CHANNELIZATION" be amended by deleting the following:

New Hope Church Road at Wake Forest Road

Section 3. That Schedule 5C11 entitled "CHANNELIZATION" be amended by deleting the following:

New Hope Church Road, westbound, at Wake Forest Road

Section 4. That Schedule 6C17 entitled "CHANNELIZATION" be amended by adding the following:

New Hope Church Road, westbound, at Wake Forest Road

Section 5. That Schedule 13 entitled "NO PARKING" be amended by adding the following:

Camelot Drive, both sides, from Lassiter Mill Road to St. Albans Drive
New Hope Church Road, both sides, from Wake Forest Road, westward, 80 feet

Amend said Schedule further by deleting the following:

Camelot Drive, west side, from St. Albans Drive to 4209 Camelot Drive

Section 6. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. That this ordinance shall become effective March 8, 1983.

Adopted: 3/1/83

Effective: 3/8/83

END OF CONSENT AGENDA

GREEN ROAD COMMUNITY CENTER - ARCHITECT - ADMINISTRATION TO NEGOTIATE CONTRACT

Approximately seventy-eight letters requesting professional proposals for the proposed Green Road Community Center were sent to architectural firms. Twenty firms responded, of which one expressed their inability at this time to present a proposal. The recommendation as to service, with fees to be negotiated at a later date, is as follows:

a. Planning and Design Associates, P.A.
3515 Glenwood Avenue

b. Wesley M. Coble, Architect & Planner
111 Brooks Avenue, Suite 1

c. Holloway-Reeves
606 Wade Avenue

d. Haskins & Rice, Architects & Planners
2515 Fairview Road

e. Ferebee Walters & Associates
200 Park Offices, Suite 109
Research Triangle Park, N.C. 27709

IT IS RECOMMENDED THAT ADMINISTRATION BE AUTHORIZED TO NEGOTIATE A CONTRACT WITH PLANNING AND DESIGN ASSOCIATES WITH THE UNDERSTANDING THAT IF THAT CANNOT BE SUCCESSFULLY COMPLETED, ADMINISTRATION WOULD GO TO THE SECOND FIRM.

Mr. Edwards pointed out there are five firms listed and questioned if they were listed in order of preference, with it being pointed out that is correct. Mr. Edwards moved Administration's recommendation be upheld which was seconded by Ms. Babb. Mr. Upchurch questioned if we did not normally refer these to a committee for study or whether we usually approve Administration negotiating a contract in the order of their preference, with Mayor York pointing out it had been done both ways.

Mr. Walters indicated he had received a lot of discussion on this item, perhaps because it is in his district. He stated he did not really understand the criteria by which Administration made their recommendation. He stated he did not know if there is any written criteria that we followed, pointing out he is at a loss as to how this is done. He questioned if it is an Administrative decision or a Council decision. Lengthy discussion took place on the selection of architects and engineers for the City's work, with Mayor York explaining the procedure which is basically spreading the work around, qualification of the firms, past work, etc. Mr. Walters questioned if prices were included in the proposals, what was included in the RFP and how Administration evaluates these proposals and makes a recommendation to Council. Mr. Walters pointed out if rotation or spreading the work around seems to be the primary reason, he still does not understand, pointing out out of the nineteen companies who submitted proposals, some have never had any work with the City. He indicated he knew of several firms that responded and specialize in this type work. He stated they did not even make the cut. He indicated if we are going to depend on an Administrative review, then we should make this an Administrative decision.

Mr. Edwards explained the process in detail, pointing out how Administration could work out a successful contract, and if that cannot be accomplished, then Administration would go to the second person on the list. He stated this is not a competitive type item. He stated another important thing is the principals of the firm and

those people who will be working on the contract, pointing out these people will be working with City Administration, and there has got to be some compatibility, communication, etc. He stated unless he can find something outstandingly wrong with an Administrative recommendation, he would recommend that we uphold Administration's recommendation.

After other discussion, Mr. Upchurch made a substitute motion that the matter be referred to the Law and Finance Committee. His substitute motion was seconded by Mr. Jordan. Ms. Babb indicated she felt it was important that the City Council not get bogged down in reviewing processes and making choices or recommendations. She stated when we look for people to do certain jobs for the City and select a person, the Council is not saying that the other people are not qualified to do the work. She stated she knew that in these intense economic times, competition is fierce, and she believes that it is in the best interest to have a professional recommendation and review by the department head involved and a recommendation made to the Council. She indicated the Council could go on and on in reviewing and re-reviewing, etc., and she would support the original motion.

Other discussion took place with Mr. Walters indicating this particular process has become a political process because some of the participants were told to lobby the City Council if they wanted Administration's recommendation changed, with Ms. Babb pointing out it will become a political situation only if the Council makes it a political situation. Discussion followed with Mr. Edwards pointing out he did not feel that anyone on the Council could say that the first choice or recommendation by Administration is an unqualified applicant. He stated probably everyone who submitted a proposal was a qualified applicant. Mr. Walters pointed out, however, that the way the Council is going, some people will never have an opportunity to do work with the City. He stated he just did not understand this whole process, he did not know what was included in the RFP and the criteria utilized by Administration in making the recommendation.

After lengthy discussion, the substitute motion was put to a vote with results as follows: Ayes - Keller, Jordan, Upchurch; Noes - York, Walters, Babb, Calloway, Edwards. The Mayor ruled the motion defeated. The original motion to uphold Administration's recommendation was put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Mr. Walters suggested that the City Manager provide Council Members with some information on how this could be handled in the future. He stated he would just like some information on the criteria or the existing procedure utilized by Administration in making this recommendation. He stated in this particular case, he did not know what was looked at by Administration, etc. The City Manager was asked to furnish Council information on the criteria or procedure utilized in selecting professional services.

TRANSFER - BOYLAN AVENUE BRIDGE - REFERRED TO PUBLIC WORKS COMMITTEE

The Agenda outlined a transfer in the amount of $64,864 to provide supplemental agreement engineering fee funds approved by the Council on February 1, 1983. Mr. Edwards indicated he had requested that this item be withdrawn from the Consent Agenda, indicating he remembered the discussion around the supplemental agreement and approval, but he just did not remember the amount of money being this large.

Chief Engineer Thomas explained the change order or the supplemental agreement and the amounts of money involved. Mayor York indicated he remembered that there was some new Federal guidelines about bridge work. He stated, however, he just did not feel entirely comfortable with this amount of money. Mr. Edwards MOVED THAT THE TRANSFER RELATING TO BOYLAN BRIDGE ENGINEERING BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

TRAFFIC - PARKING RESTRICTIONS FOR ARTSPLOSURE - APPROVED

The Department of Transportation recommends that normal "No Parking" restrictions be waived in a number of locations to allow possible weekend parking availability for the ArtsPlosure activities at Pullen Park and that "No Parking" restrictions be waived at a number of locations in the vicinity of the Fayetteville Street Mall to allow loading and unloading areas for ArtsPlosure participants.

ArtsPlosure activities will be conducted both at Pullen Park and the Fayetteville Street Mall. It is requested that parking restrictions be waived on Ashe Avenue between Pullen Park Road and Dexter Place on Saturday and Sunday, April 23 and 24. This would allow visitor parking in what would otherwise be bicycle lanes.

It is further recommended that "No Parking" restrictions be waived where the following east/west streets cross the Fayetteville Street Mall: Morgan Street, Hargett Street, Martin Street (north side), and Davie Street, during the period from April 18, through May 6, 1983. These waivers will allow ArtsPlosure participants a location to occasionally park long enough to load and unload the materials and equipment being utilized in the Mall displays.

Mr. Upchurch indicated he asked that this be removed from the Consent Agenda. He indicated last year we did have quite a problem and some ill will created relating to parking citations issued in connection with ArtsPlosure. He stated he would like to commend the City Manager and the staff for taking this step in order to avoid a duplication of last year's problem. He indicated he would urge the staff to take

whatever steps are necessary to have ample forces available to direct traffic and parking in this area. He stated he just hated to see such a great event marred by a bunch of traffic tickets being issued. Mr. Upchurch MOVED THAT ADMINISTRATION'S RECOMMENDATION ABOUT WAIVER OF THE "NO PARKING" AS OUTLINED IN THE AGENDA BE APPROVED AND WOULD FURTHER REQUEST ADMINISTRATION TO MAKE SURE WE HAD ENOUGH MANPOWER TO AMPLY DIRECT TRAFFIC AND PARKING RELATING TO THIS EVENT. His motion was seconded by Mr. Edwards, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 73

AN ORDINANCE TO TEMPORARILY AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the normal no parking restrictions be waived on Ashe Avenue between Pullen Park Road and Dexter Place on Saturday and Sunday, April 23 and 24, 1983.

Section 2. That the normal no parking restrictions be waived where the following east/west streets cross the Fayetteville Street Mall: Morgan Street, Hargett Street, Martin Street (north side) and Davie Street, during the period from April 18 through May 6, 1983.

Section 3. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That this ordinance, being of temporary nature, shall not be codified in the City of Raleigh Traffic Schedule.

Section 5. That this ordinance shall be in effect on dates as indicated in Sections 1 and 2 above.

Adopted: 3/1/83

Effective: See Sections 2 and 3 above.

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED

Mayor York presented the Planning Commission Consent Agenda, indicating it will be handled in the same manner as the regular Consent Agenda. Mr. Edwards indicated the work was done by his company on S-28-83, and there was a small change, and the item had to come back to Council. He stated HE WOULD LIKE TO BE EXCUSED FROM PARTICIPATION IN CR-1873 (S-28-83). Without objection, Mr. Edwards was excused. Mr. Edwards MOVED THE PLANNING COMMISSION'S CONSENT AGENDA BE APPROVED AS PRESENTED. His motion was seconded by Mr. Calloway, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. The items on the Consent Agenda were as follows:

SUBDIVISION S-28-83 - NEWTON PARRISH - APPROVED WITH CONDITIONS

This was a request for approval to add one (1) townhouse unit to the existing development. The site is zoned Residential-6 and Residential-10. The one townhouse unit was not shown by error on the previously approved plan. The project will still meet the density requirements. The property is located on the north side of Newton Road, just east of Six Forks Road, inside the City Limits.

CR-1873 from the Planning Commission recommended that this request be approved according to a map entitled "Newton Parish," the property of Fortis Corporation, drawn by John A. Edwards and Company, dated January 31, 1983, with the condition that the legal documents for the nonprofit homeowners association be reviewed and approved by the City Attorney's Office Prior to recording the final plats. Consent Agenda approval - Edwards/Calloway - 7 ayes. (Edwards excused during vote on Consent Agenda.)

SUBDIVISION S-30-83 - MANESS PROPERTY - APPROVED

This was a request for approval to subdivide .96 acre into two (2) lots, zoned Residential-4. The property is currently developed with a single-family home. The property is located on the south side of Blue Ridge Road, 400 feet west of Morningside Drive, inside the City Limits.

CR-1874 from the Planning Commission recommended that this request be approved according to a map entitled, "Maness Property," the property of Thomas Lee Maness, Sr. and Thomas Lee Maness, Jr., drawn by Gerald M. White, dated January 28, 1983. Consent Agenda approval - Edwards/Calloway - 8 ayes.

SUBDIVISION S-32-83 - GRACELAND COURT TOWNHOUSES - APPROVED WITH CONDITIONS

This was a request for approval to construct 16 townhouse units on 1.94 acres, zoned Residential-10. The property is located north of Western Boulevard on Pineland Circle, inside the City Limits.

CR-1875 from the Planning Commission recommended that this request be approved according to a map entitled, "Graceland Court Townhouses," the property of L. A. Taylor, drawn by Castleberry-Edgerton Company, dated November 12, 1982, revised November 17, 1982 and December 20, 1982, with the condition that the legal documents for the nonprofit homeowners association to maintain party walls and joint driveways be approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Edwards/Calloway - 8 ayes.

PA-162 - PEDESTRIAN BRIDGE ACROSS LANE STREET - APPROVED WITH CONDITIONS

This was a request for approval to construct a pedestrian bridge across Lane Street to connect the Legislative Building and the Legislative offices. The site is zoned Office and Institution-II. The property is located on Lane Street, between North Salisbury Street and Wilmington Street, inside the City Limits.

CR-1876 from the Planning Commission recommended that this request be approved according to a map entitled, "Pedestrian Bridge Across Lane Street," the property of the State of North Carolina, drawn by Bigger and Agnew, Incorporated, dated February 1, 1983, with the condition that the developer obtain all necessary permits for the partial closing of Lane Street during construction. Consent Agenda approval - Edwards/Calloway - 8 ayes.

END OF PLANNING COMMISSION CONSENT AGENDA

GREENWAY DEDICATION - ACCEPTANCE APPROVED

This was a request for acceptance of the greenway easement, consisting of 30,800 square feet (approximately .7 acre), located on the Ray M. Barker property approved by the Planning Commission on February 21, 1983, as part of Certified Action 103 to subdivide 2.4 acres which are currently vacant into four (4) lots, zoned Residential-20. The property is located between Big Branch Creek and State Street on the Ray M. Barker property.

CR-1878 from the Planning Commission recommended that the greenway dedication shown on a map entitled, "Ray M. Barker," the property of Ray M. Barker, drawn by John Y. Phelps, dated February 1, 1983, be accepted by the Raleigh City Council. Consent Agenda approval - Edwards/Calloway - 8 ayes.

REZONING Z-73-82 - SHELLEY ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 22 acres from Residential-4 to Residential-15 and Conservation/Buffer. Chairman Graham presented CR-1877 in which the Planning Commission recommended that Z-73-82 be approved as amended; that is, that approximately 1.88 acres along the creek (north property line) remain Residential-4 as shown on the map attached to CR-1877, that a ten-foot Conservation/Buffer be established along both Leadmine Road and Shelley Road for the full frontage of the property and that the remainder of the property be rezoned Residential-10. Chairman Graham explained the request, pointing out the net site sought for rezoning is approximately twenty acres. The one and one half acres is in the existing right-of-way. He explained the Planning Commission's proposal, findings and reasons upon which their proposal was made.

Mr. Edwards indicated he would like to discuss this case a little bit further. He indicated in the rezoning to Residential-10 and Residential-4, it would give approximately 184 units, and he stated he would make the following motion: THAT THE AREA THAT IS BEING PROPOSED TO BE REZONED RESIDENTIAL-10 BY THE PLANNING COMMISSION BE ZONED RESIDENTIAL-6, AND THE AREA THAT IS PROPOSED TO GO TO RESIDENTIAL-4 UNDER THE PLANNING COMMISSION'S RECOMMENDATION BE REZONED TO CONSERVATION/BUFFER, AND THE TEN-FOOT CONSERVATION/BUFFER AS RECOMMENDED BY THE PLANNING COMMISSION STAY INTACT AS CONSERVATION/BUFFER ZONING, AND THAT THAT TEN-FOOT STRIP BE MEASURED FROM THE FUTURE RIGHT-OF-WAY OF THE TWO ROADS. He explained his motion, utilizing the map available at the meeting. He stated he feels that if this zoning as recommended by him were approved, that would allow 112 units, and he feels that that would be a very good development in this area. His motion was seconded by Mr. Keller, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 74 ZC 116.

COMMITTEES, COMMISSION AND BOARDS

FAIR HOUSING HEARING BOARD - NOMINATIONS MADE

The City Clerk reported the terms of Margaret Winter, Jack Andrews and Frank Roberts expire on March 17, 1983. Ms. Winter nor Mr. Andrews are eligible for reappointment. Nominations include Frank Roberts (Calloway), Thomas L. Hall (Keller) and James Colsom (Edwards). Nominations have not been closed. Mr. Jordan nominated Robert Leroyd.

The City Clerk reported the term of H. B. Pickett expires May 2, 1983, and he eligible for reappointment, and this is the first announcement. Ms. Babb indicated she wished to nominate Mr. Pickett for reappointment. Brief discussion took place, and it was agreed to hold nominations on the May 2 expiration and consider the three March 17 vacancies at the next meeting. After that matter is cleared up, the Council will consider the May 2 vacancy.

YOUTH COUNCIL ADVISORY BOARD - NO ACTION TAKEN

The City Clerk reported one vacancy due to the resignation of Steve Rea. No nominations were made.

APPEARANCE COMMISSION - NOMINATIONS MADE

The City Clerk reported the term of Randolph Cloud expires April 21, 1983, and he does not wish to be reappointed. The only nomination thus far is Jerry Traub. Ms. Babb nominated Martha Jo Ramsey.

HUMAN RESOURCES AND RELATIONS ADVISORY BOARD - PETER RUMSEY REAPPOINTED; ONE VACANCY REMAINING

The City Clerk reported the term of Peter Rumsey expires April 21, 1983. He was nominated for reappointment by Mr. Edwards. Nominations have not been closed. The City Clerk reported the term of Paul Thompson expires May 15, 1983, and he is eligible for reappointment, and this is a first announcement.

Lengthy discussion took place on the appointment procedure, whether we should be taking nominations two months in advance of a term expiring and the procedure in general. After lengthy discussion, Mr. Edwards MOVED THAT NOMINATIONS FOR THE APRIL 21, 1983, VACANCY ON THE HRRAC BE CLOSED AND MR. RUMSEY APPOINTED BY ACCLAMATION. His motion was seconded by Mr. Keller and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Mr. Calloway nominated Paul Thompson for reappointment.

ARTS COMMISSION - NOMINATIONS MADE

The City Clerk reported one vacancy due to the resignation of Claire R. Shaffer. One nomination has been made by Mr. Upchurch--Barbara Riley. Nominations have not been closed. Mr. Edwards nominated Denise Parks Harper. No other action was taken.

CIVIL SERVICE COMMISSION - NOMINATIONS MADE

The City Clerk reported the term of At Large Representative William L. Bingham expires May 15, 1983. He is eligible for reappointment, and his attendance record is good. The term of Management or Industry Representative Allie M. Peoples also expires May 15, 1983. She is eligible for reappointment, and her attendance record is good. No nominations have been made. Mr. Upchurch nominated Allie M. Peoples. Mr. Edwards nominated William L. Bingham. No further action was taken.

HOUSING COMMITTEE - FRAMEWORK APPROVED

The City Clerk reported during the last meeting the Mayor presented a recommendation relating to the Housing Committee recommended in the Zogry report. It was agreed to place this matter on this Agenda for consideration. The Clerk indicated Council Members received a copy of the Mayor's memo, and it may be appropriate for the Mayor to discuss this Committee. Mayor York indicated hopefully today we could approve the framework of the Committee. He indicated Administration has given information on the Administration Staff support for the Committee and again pointed out he would hope that we would be in position to approve the memo, and then we would hopefully have some names at the next meeting.

Mr. Calloway indicated he did have concern about the citizens at large. He indicated we have a representative of several organizations as well as the representatives of the CAC and two citizens at large. He stated there had been a suggestion of the possibility of one of the citizens at large being Arnold Zogry. He stated that does not give much room for citizens at large. He stated if we could have two citizens at large as well as the representative of the CAC, that would give one-third of the total nine to be regular citizens at large. Mayor York indicated he had planned to talk with Mr. Zogry, but because of a problem with the telephone numbers, he has not been able to get in touch with Mr. Zogry. He indicated at this point, he would not suggest Mr. Zogry as one of the two citizens at large.

Discussion took place on the Committee and the work of the Committee, with Mayor York pointing out the Committee should make its final report by July 1, 1983. He stated there are some particular people that he has in mind such as representatives of the banks or savings and loans that have been very interested in housing. He indicated we would need people that are action oriented on this particular Committee, pointing out maybe they could come up with suggestions such as something like a loan pool, etc. He indicated this Committee would report through the Law and Finance Committee.

Brief discussion took place, and Mr. Jordan MOVED THAT THE MAYOR'S MEMO DATED FEBRUARY 15, 1983, SUGGESTING THE PURPOSE, ORGANIZATION AND MEMBERSHIP BE APPROVED WITH THE UNDERSTANDING THAT MR. ZOGRY WOULD NOT BE ONE OF THE CITIZENS AT LARGE BUT PERHAPS COULD SERVE IN SOME ADVISORY ROLL. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. The Constitution of the nine-person Committee would be as follows: A representative of the Home Builders Association, bank representative, savings and loan representative, DHIC representative, CAC representative, Downtown Development Corporation representative, Raleigh Housing Authority representative and two citizens at large.

No further action was taken.

DOWNTOWN ADVISORY GROUP - INFORMATION RECEIVED

Mayor York questioned if we have at large representatives on the Downtown Advisory Group and if these appointments have been made. The City Clerk reported this is a twenty member board with three at large members and the chairperson. She stated she was working under the impression that when she brought back the representatives of the various groups that have been contacted. At that time, the Council could make nominations for the at large membership. The item was received as information.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

BUSINESS LICENSE APPLICATION - YWCA - HARGETT STREET - REMOVED

Chairman Jordan reported the Law and Finance Committee RECOMMENDS THAT THIS ITEM BE REMOVED FROM THE AGENDA WITH NO ACTION TAKEN AS IT WAS REPORTED THE YWCA HAD INDICATED IT DID NOT WISH TO PURSUE THIS LICENSE APPLICATION AT THIS LOCATION. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and passed unanimously.

CABLEVISION ADMINISTRATOR PROPOSAL - JOB DESCRIPTION AND SALARY LEVEL APPROVED

Chairman Jordan reported the Law and Finance Committee RECOMMENDS THAT THE JOB DESCRIPTION FOR THE CABLE COMMUNICATIONS ADMINISTRATOR BE APPROVED AS AMENDED AND INCLUDED IN THE COUNCIL AGENDA PACKETS AND ALSO RECOMMENDS THAT THIS POSITION BE CLASSIFIED AS A PAY GRADE 40. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller. Mr. Jordan pointed out the only change made from Administration's recommendation in the job description under the title "Requirements of Work." He indicated in the first sentence the words "public sector" were eliminated, and in the last sentence of the first page, the word "engineering" was inserted.

Mr. Edwards questioned why the Committee eliminated "public sector", with Mayor York pointing out he did not feel that we would find someone with considerable public sector administrative experience in the cable communications field. He stated we could find someone with considerable administrative experience or someone with considerable experience in the cable communications field, but he feels it may be difficult to find someone with considerable public sector administrative experience in the cable communications field. Mr. Edwards indicated he could support the change. He just wanted to state that experience in the public sector, in his opinion, is very important. He stated he knew that we would not be able to find someone with all of these qualifications. The motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

HOUSING NEEDS - PRESENTATION MADE - ITEM RETAINED IN COMMITTEE

Chairman Jordan reported the Law and Finance Committee had a presentation at the last meeting by the Community Development Department relative to some new housing programs in the City. He indicated the Committee felt that before they made any recommendations or went any further with these programs, they would like to have input from the Council; therefore, they had asked the Community Development Department to make the same presentation at this meeting.

Community Development Director Wray indicated his department has been working for several months on different housing programs. He indicated the Law and Finance Committee has several items in it relating to housing needs, housing studies and housing programs in the City. He indicated his department felt that there were two portions to this item. One would be some immediate type program and the other would be long-range housing policy for the City of Raleigh. He indicated his department had come up with a concept or recommendation as to programs that could be undertaken immediately. He indicated he understood that his department was to make the presentation at this meeting, get input from the Council as to desirability of the concept, and then the Law and Finance Committee could work out the details. Mr. Wray indicated HUD has strongly urged cities to leverage as many dollars as they could to set up a revolving type situation so that housing programs can be ongoing.

He indicated for the past eight years, the Community Development Department has provided funds for rehabilitation loans and grants in seven conservation areas. He indicated that his department is recommending that several of these areas be phased out as conservation areas due to the significant amount of rehabilitation work that has been done in the area. He stated those persons served by the Community Development programs have been predominantly owner-occupied, and the remaining houses needing rehabilitation are for the most part rental units. He indicated they are recommending that the following areas be phased out over a two-year period: Boylan Heights, Nazareth, Lincoln Park, Oberlin, Method, Watson-Hunter and Caraleigh-Fuller Heights. He stated this phase out period would allow sufficient time for all property owners who are interested to get rehabilitation assistance. He stated based on the review of housing conditions and other neighborhoods, they are recommending adding new conservation areas as follows: Mordecai, Oakwood, J. Lewis Park, Battery Heights, Devereaux Meadows and Brooklyn.

Alice Lepie, utilizing a map available at the meeting, gave the boundaries of the proposed new conservation areas. She also gave statistics on the number of owner-occupied homes that have been rehabilitated in the areas that are proposed to be phased out. Mr. Wray indicated the proposed conservation areas meet the three criteria utilized to evaluate neighborhoods for conservation designation: (1) a

medium family income below $17,415, placing them in the low to moderate income range; (2) one or more indicators of substandard housing greater than the City's average; and (3) an owner occupant to rental ratio of twenty-two percent or greater.

Lengthy discussion took place on the recommendation to phase out certain areas and add other conservation areas. Mr. Walters questioned if the Community Development Department had received any input from the areas being proposed for conservation areas, pointing out residents in the Oakwood area were very surprised to be included in the plan. He stated he had also received calls from people in the Mordecai area. In response to questioning, Mr. Wray indicated he would start this week with the CACs in the involved areas to get input and provide information.

Mr. Keller indicated there is still considerable work to be done in the Method/Fuller Heights area, and he does not know why we would have to remove the designation from any area. He stated maybe we could go to some type rotation system or a systematic basis for having areas designated conservation but pointed out he does not like the arbitrary way of removing areas from that designation. Mr. Wray indicated he had no problem leaving the areas as conservation areas but pointed out their recommendation was based on participation, pointing out absentee landlords very seldom participate in the CD programs because of the PRSs. He stated in a conservation area, the City does not have the power of eminent domain.

Ms. Lepie gave a brief summary of the rehabilitation work that has been done in these conservation areas, indicating the Community Development Department just does not feel there is enough demand, with Mr. Wray again pointing out they had no problems in leaving the areas designated conservation.

Mr. Wray indicated in order to provide funds necessary to finance the rehabilitation activities in the conservation areas, they are recommending that the City participate in several different programs.

Helen Wolff, utilizing charts available at the meeting, explained the FNMA Municipal Tri-Party System and how this could work in the City of Raleigh. She indicated that FNMA participation must be at least fifty percent on each loan, and the lender must fund at least five percent which means that the City's obligation on each loan would not exceed forty-five percent of the loan amount. She explained activities eligible to be financed under this program includes acquisition, rehabilitation, refinancing and new construction. She explained the possibility of selling our existing warehoused loans to FNMA, indicating they have stated they will purchase our existing loans, first and second mortgages. Utilizing the charts available at the meeting, she explained how the program could work, the City's involvement and the possible money that would be generated through this program. She pointed out the charts utilize percentages and yields gathered in late 1982.

Ms. Wolff then went over a program relating to new construction, indicating in order to provide an incentive to developers to build new rental units in the CD area, they propose leasing Community Development owned property to the developers and negotiating a loan program through a single lending institution in order to provide favorable financing for the units. Utilizing charts available at the meeting, Ms. Wolff explained how this would work and the fact that it is felt we could encourage developers to build the type and quality of housing that would be an asset to the neighborhood. She explained another program whereby the Raleigh Housing Authority has a proposal for twenty units--ten duplexes or condominiums--to be built on Mark Street. The total cost of the project is projected to be $505,000. The Housing Authority is proposing that these units be rental units with an option to purchase at the end of a specified time. Community Development would provide $150,000 up front to the Housing Authority in order to write down the cost of the loan so that the rents could be kept at a reasonable rate. The money would be a deferred loan with no interest and would be due upon sale of the units. The lease terms for the land would be the same, except lease payments would be $1.00 per year.

Mr. Wray then explained a proposal by DHIC to borrow money from the Community Development Department for 120 days at 8½% interest, and at the end of that time, DHIC would pay back the City. He stated they are talking about four units in this proposal.

Brief discussion took place on the presentation, the maximum loan under the FNMA program, the fact that new construction would be eligible whereas it is not under the CD, etc. Mayor York indicated the tri-party program looks like a good program. He stated he feels that we have some good potential, pointing out leveraging funds, refinancing, etc., are all good ways. Mr. Jordan indicated the Law and Finance Committee would be discussing this further, and he would welcome all Council Members to attend. Mayor York indicated he felt the program, as outlined by the Community Development Department, looks good with the exception that maybe we need some more discussion on which areas will remain or will be designated conservation.

HOUSING ISSUES - EDUCATIONAL PROGRAM

Mr. Jordan indicated he had been contacted by Joan R. Baron, representing the League of Women Voters, and Howard Miller, the RCAC representative, and as a point of personal privilege, he would like to hear from them.

Joan R. Baron indicated one of the major concerns of the League of Women Voters and the RCAC is an adequate supply of housing for all of the citizens in our vital and growing community. She indicated that they have noted that the Raleigh City Council

has called for a City-wide housing plan and referred development of such a plan to the Law and Finance Committee. Public support for solutions to housing issues require greater understanding of this complex matter throughout the community. She stated as organizations with broad and close access to the citizens and neighborhoods in Raleigh, they wished to become involved in educating the public about Raleigh's housing situation and the City's housing plan. She stated they have begun to discuss preparation of such a program to achieve that end and asked for assistance and support of the City Council in developing and carrying out the programs. Mr. Miller indicated he just would like to concur with Ms. Baron's comments.

Mr. Jordan indicated, if appropriate, he feels that the Law and Finance Committee could listen to their plan, and if the Committee needs help, they will bring the matter back to full Council. Without objection, THE ITEM RELATIVE TO AN EDUCATION PROGRAM ON HOUSING WAS REFERRED TO THE LAW AND FINANCE COMMITTEE.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

METHODIST HOME PROPERTY - UTILITIES - TRANSFER AUTHORIZED

Chairman Edwards reported the Public Works Committee RECOMMENDS APPROVAL OF FUNDING OF COSTS INVOLVED FOR THE NECESSARY CHANGEOVER FOR WATER AND ELECTRICAL SERVICES ON THAT PORTION OF THE METHODIST HOME PROPERTY NOW OWNED BY THE CITY OF RALEIGH AND FURTHER RECOMMENDS APPROVAL OF FUNDING IN THE AMOUNT OF $3,931.00 WHICH REFLECTS THE DIFFERENCE BETWEEN OVERHEAD SERVICE AND UNDERGROUND SERVICE AND A TRANSFER OF $11,739.83 TO COVER THESE COSTS. Mr. Edwards indicated the costs involved would be electrical contractor - $4,175.00, utilities - $1,418.33, and plumbing - $2,215.50 in addition to the costs for the buried service. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 175 TF 31.

REZONING Z-8-83 - LAKE BOONE TRAIL - NEW HEARING AUTHORIZED

Chairman Edwards reported due to the questions relating to procedure followed on rezoning application Z-8-83, the Public Works Committee RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE HOLDING A SPECIAL REHEARING ON THIS CASE AT THE REGULAR APRIL 19 ZONING HEARING. It is noted the rehearing would be on the application as originally filed. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb.

Mr. Calloway indicated he had some problems with this as he understands the preliminaries relating to the case were all in order and all parties did have knowledge of the hearing. He stated in light of that, he would make a substitute motion that the 32.3 acres covered by the application be rezoned from Residential-6 to Residential-10 and that the 9.7 acres be left in the present Residential-6 zoning. His substitute motion was seconded by Mr. Jordan.

Mayor York indicated initially he felt that this case should be turned down without prejudice. He stated he was not ready to vote for rezoning at this point. Mr. Upchurch indicated the Public Works Committee had persons present during their discussion and heard the Committee say that they were going to recommend a rehearing. He indicated it would be difficult to explain if we came up and rezoned the property today. Ms. Babb spoke in support of the original motion, indicating the discussion in Committee revolved around whether the procedure was followed correctly or not. She stated they did not attempt to deal with the case that much. She indicated any time there are any doubts, she feels that its safer to go the rehearing route.

Mr. Calloway indicated it seems that his substitute motion is a dead issue, and even though he does not like the rehearing, he will withdraw his substitute motion. Mr. Jordan agreed. The original motion as put forth by the Committee was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

NORTH CAROLINA MUSEUM OF ART - APPROPRIATION MADE TO PROVIDE USE OF BUSES - FUNDS APPROPRIATED

Mr. Edwards indicated the Public Works Committee RECOMMENDS APPROPRIATION OF FUNDS TOTALING $1,065 TO BE TRANSFERRED FROM COUNCIL CONTINGENCY TO FUND THE USE OF THREE BUSES TO BE USED FOR THE OPENING OF THE NEW ART MUSEUM ON APRIL 8 AND APRIL 9. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch.

Brief discussion took place, and the motion, as stated, was put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 71 TF 14.

SIDEWALK INSTALLATION - SIX FORKS AND LASSITER MILL ROAD - RESOLUTION OF INTENT ADOPTED

Chairman Edwards reported the Public Works Committee RECOMMENDS ADOPTION OF A RESOLUTION OF INTENT CALLING FOR A PUBLIC HEARING TO CONSIDER THE INSTALLATION OF SIDEWALKS ON THE EAST SIDE OF SIX FORKS ROAD FROM LASSITER MILL ROAD TO DARTMOUTH ROAD AND ON LASSITER MILL ROAD FROM THE END OF THE EXISTING SIDEWALK EAST TO CAMELOT DRIVE. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 176

A RESOLUTION OF INTENT TO MAKE SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND TO SET A PUBLIC HEARING

WHEREAS, The City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require sidewalk improvements without petition under the conditions therein set out; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following sidewalk improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh, Chapter 1184, Session Laws of North Carolina, 1949, as amended:

a. Installation of sidewalks on the east side of Six Forks Road from Lassiter Mill Road to Dartmouth Road.

b. Installation of sidewalks on Lassiter Mill Road from the end of the existing sidewalk east to Camelot Drive (approximately 130 feet).

Section 2. Sidewalk improvements shall be assessed according to property frontage on the improvements and shall be assessed by an equal rate per foot of such frontage. If it is determined that a sidewalk shall be constructed on only one side of the street, the cost thereof may be assessed property abutting on both sides of the street by an equal rate per foot of frontage, unless there already exists a sidewalk on the other side of the street, the total cost of which was assessed abutting property.

Section 3. That the terms and manner of payment of sidewalk improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in equal annual installments, such installments to bear interest at the rate of 6% per annum on any unpaid balance.

Section 4. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 5. That a public hearing on all matters covered by this resolution shall be held on Tuesday, April 5, 1983, in the Council Chamber, Municipal Building, Room 315, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Adopted: 3/1/83

HIGHWAY RESERVATIONS - LOCAL BILL - AUTHORIZED FOR SUBMITTAL TO GENERAL ASSEMBLY

Chairman Edwards reported Council Members received in their Agenda packet a proposed bill relating to reservation of sites for public buildings or rights-of-way for public facilities and utilities which THE COMMITTEE RECOMMENDS THAT THE COUNCIL AUTHORIZE THE SUBMITTAL OF THIS LOCAL BILL TO THE GENERAL ASSEMBLY. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ASSESSMENTS RATES - COMPUTATION - LOCAL BILL AUTHORIZED FOR SUBMITTAL

Chairman Edwards reported Council Members received in their Agenda packet a proposed act to revise the City's authority to assess the cost of extending water and sewer lines against property to be benefited by such lines by using an average cost basis. He reported the Public Works Committee RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE SUBMITTAL OF THIS LOCAL BILL RELATING TO COMPUTATION OF ASSESSMENT RATES TO THE GENERAL ASSEMBLY. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

TEXT CHANGE 228 - COMMUNICATION TOWERS - ORDINANCE ADOPTED AS AMENDED

Mr. Edwards reported, by a split vote, the Public Works Committee recommends adoption of an ordinance which outlines a procedure for application and approval to erect communication towers by a Special Use Permit by the Board of Adjustment. He presented a proposed ordinance entitled "Special Use Permit Which Requires Board of Adjustment Prior Approval" and on behalf of the Committee, moved its adoption. His motion was seconded by Ms. Babb.

Mr. Edwards explained the changes in the proposal submitted by the Planning Commission that were made by the Public Works Committee. He indicated the Planning Commission's proposal would allow the towers to locate by right after certain criteria was met, but the Public Works Committee is recommending that they would have to get a

Special Use Permit by going through the Board of Adjustment, and the Board of Adjustment would have to find that they meet certain criteria.

Mr. Upchurch presented a proposed ordinance entitled "Conditional Use Permit with Automatic Approval, if Conditions are Met." He indicated this matter came before the Council, and there seemed to be such a big rush to meet a certain deadline as contracts were to be awarded. He indicated he now understands that this is not true. He indicated he has also discovered that this is an experimental project in our City, and he is reluctant to pass an ordinance that would allow these things to perforate a neighborhood. He indicated he would like to merge the ordinance as proposed by the Public Works Committee with the one he had just passed out. He indicated he felt that this should be a Conditional Use Permit to be approved by the City Council if certain conditions are met. He indicated in addition, he would suggest that the ordinance entitled "Conditional Use Permit" be amended by deleting Subsection 9 and inserting Subsection 4(g) of the Special Use Permit proposal. He indicated in addition, he would like to delete the word "automatic" as the Conditional Use Permit would not be granted automatically. It would be granted only after certain conditions were met as determined by the City Council. The motion was withdrawn.

Ms. Babb indicated she and Mr. Upchurch had debated these proposals very strongly. She indicated there are basically two issues: (1) whether it would be a Council or Board of Adjustment procedure; and (2) whether we are going to have criteria that is very specific, etc., that would allow automatic approval. She stated she feels that the ordinance should be structured so that it would give flexibility, and the Council could view these on a case by case basis, with Mr. Upchurch moving THAT THE ORDINANCE ENTITLED "CONDITIONAL USE PERMIT WITH AUTOMATIC APPROVAL IF CONDITIONS ARE MET" BE APPROVED WITH THE AMENDMENTS HE OUTLINED. This motion was seconded by Ms. Babb.

City Attorney McCormick indicated that SECTION N OF THE PROPOSED ORDINANCE SHOULD BE AMENDED BY ADDING THE FOLLOWING WORDS AT THE END: "THE CITY COUNCIL OF THE CITY OF RALEIGH FINDS THAT:". Mr. Upchurch and Ms. Babb accepted this as a part of their motion, and after brief discussion, the motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 75 TC 177

(CONDITIONAL USE PERMIT - APPROVAL IF CONDITIONS ARE MET)

WHEREAS, N.C.G.S. 160A-381 authorizes the City of Raleigh to establish conditional use exceptions in its zoning regulations;

WHEREAS, the Raleigh City Council finds that telecommunications is an important part of modern technology and the citizens of Raleigh should have the opportunity to avail themselves of telecommunications;

WHEREAS, the City Council finds that in order to assure that telecommunications technology is available, telecommunications towers must be permitted in nonresidential zoning districts and sparsely developed residential zoning districts;

WHEREAS, the performance standards established in this ordinance will maintain property values, protect the aesthetics of the zoning jurisdiction and screen adjoining residential zoned property and street right-of-way from the visual impact of telecommunications towers; and,

WHEREAS, the treescaping performance standards established herein may be achieved by the planting of loblolly pine, sycamore, sweet gum, green ash, tulip poplar and willow oak trees without great cost.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2023(1) of the Raleigh City Code relating to permitted uses in agricultural productive zoning districts is hereby amended to add a new subsection, 10-2023(1)n, said new subsection shall follow subsection 10-2023(1)m, and it shall read as follows:

"n. Telecommunications towers, including relay stations, for commercial operations such as cablevision, radio telephones, radio and television stations when the Raleigh City Council finds that:

1. Radio or television or similar reception for adjoining residentially zoned properties will not be disturbed or diminished;

2. The height of the tower does not exceed four hundred and fifty feet (450');

3. The lighting of the tower does not exceed the minimum standards of the Federal Aviation Administration (FAA) for red obstruction lighting system contained in Advisory Circular No. 70/7460-IF dated 27 September, 1978, as the same may be amended;

4. The minimum yard setback from the outside dimensions of the tower, not from guy anchors, to any adjoining lot zoned nonresidential, or nonresidential lot across a public street, is twenty feet (20'). The minimum yard setback from the base of the tower, not from guy anchors, to any adjoining lot zoned residential or residential lot across a public street is fifty percent (50%) of the tower height. The provisions in this subsection are

supplemental to the yard regulations in Section 10-2062 and do not lessen or diminish those regulations;

5. The base of the tower and each guy anchor are surrounded by a fence at least eight feet (8') in height unless the tower and all guy anchors are mounted entirely on a building over eight feet in height. If the tower is located on a lot which adjoins a residential zoning district, then the fence, except for entrances, shall be screened by a vegetative cover which uniformly reduces the horizontal view of the fence from abutting lots zoned residential and lots zoned residential across public streets by at least seventy-five percent (75%) within three years or less of the installation of the improvement (cross reference - Fence Requirements, Subsection 10-2074[b]);

6. The area adjoining street rights-of-way is landscaped within a depth not to exceed twenty feet from the edge of the right-of-way by at least one tree for every forty linear feet of right-of-way frontage. Said tree shall be a locally adapted plant of a minimum of two inch trunk caliper and fifteen feet in height and will reach a height of at least sixty feet in twenty-five years; existing trees on the site which are preserved and maintained and which meet the standards herein may be used to comply with this subsection. If the tower is located on a lot which adjoins a residential zoning district, then any perimeter of the site which adjoins other lots zoned residential shall contain a twenty foot wide treescaped yard area with one tree within each forty linear feet of contiguity;

7. The exterior appearance of all building structures located in a residential zoning district look like a residential dwelling, including without limitation: pitched roof(s) and frame or brick veneer construction;

8. Associated building structures located in residential zoning districts may not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments; and

9. The use will not be detrimental or injurious to property values of the surrounding neighborhood."

Section 2. Section 10-2033 of the Raleigh City Code relating to permitted uses in Office and Institution-I zoning districts is hereby amended by adding a new Subsection 10-2033(h), said new subsection to follow Subsection 10-2033(g), and it shall read as follows:

"(h) Telecommunications towers, including relay stations, for commercial operations, such as cablevision, radio telephones, radio and television stations built after the effective date of this ordinance (3/1/83), when the provisions of Subsection 10-2023(l)n.1 through 10-2023(l)n.6 are met."

Section 3. Section 10-2046 of the Raleigh City Code relating to use regulations in the Industrial-I zoning district is hereby amended by adding a new Subsection 10-2046(6), said new subsection to follow Subsection 10-2046(5), and it shall read as follows:

"(6) Unless expressly provided otherwise, the standards for special use exceptions, such as 10-2073(c)(15), and the standards for conditional use exceptions, such as 10-2033(h), are applicable in Industrial zoning districts."

Section 4. Subsection 10-2064(b)(1)a of the Raleigh City Code is hereby amended to add immediately before the words, "outdoor radio and television towers," the word, "home."

Section 5. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 7. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. This ordinance shall be enforced by any of the remedies provided in N.C.G.S. 160A-175.

Section 9. This ordinance shall become effective upon its adoption.

Adopted: 3/1/83

Effective: 3/1/83

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

UDAG GRANT - ADMINISTRATION AUTHORIZED TO FILE

Downtown Coordinator Betts indicated our UDAG application has been sitting in Washington as it has been held over twice pending the City submitting additional information. He indicated we have to have the additional information in to Washington by March 4, 1983, for it to be considered or HUD could hold it over for another quarter. He indicated we have gathered much of the information, and York-Hannover is in the process of sending additional information. Mr. Betts went through the $2,142,000 cost to the City in connection with the UDAG application which includes the Kimley-Horn service contract, improvements to Dawson/South Streets, utility relocation, professional services, the Plaza renovations, as well as the Civic Center renovations. He indicated the City plans to utilize the funds from the sale of the land to do these projects; therefore, the UDAG application is necessary in order to provide the parking. He indicated at this point, it looks as if the UDAG application will be approximately $7,000,000. He indicated the City would receive this money and then loan the money to York-Hannover at 7% on a fifteen year term, thirty year amortization loan. He stated there would be a moratorium on the payment for the first five years, and the City would receive the loan payments over the next ten years, and at maturity, the loan would be converted. He indicated in order to complete our application, we need the current plans and schematic drawings, the City's as well as the developer's "but for" letter, office building and parking garage ten-year pro forma and the developer's financial commitments. He stated we are still trying to put it all together and meet the March 4th deadline.

Mayor York explained the benefit of a UDAG grant to the community and to the City. He stated if we were to get this grant and loan it to York-Hannover as proposed, the interest payment to the City would amount to some $400,000 a year. He stated the money continues to come to the City, and then the loan is paid off to the City, but the City does not have to return the money to the Federal Treasury. He indicated this would be a tremendous plus for our redevelopment efforts.

City Manager Zachary indicated Brian Riley had called him on March 2, and indicated he agrees to the long-term lease on the land. He indicated additional information was presented, and taking a quick look at it, that the taxes and/or parking fees from the deck would pay out in seventeen years.

Brief discussion took place, and Ms. Babb MOVED THAT ADMINISTRATION BE AUTHORIZED TO FILE THE UDAG GRANT AS OUTLINED BY MR. BETTS. His motion was seconded by Mr. Edwards and passed unanimously.

INFRASTRUCTURE FINANCING CONFERENCE - INFORMATION RECEIVED

Mayor York reported he attended a very informative conference in Washington entitled "Round Table on Infrastructure Financing." The conference was sponsored by the Urban Land Institute of which he is a member. He read the cover memo dated March 1, in which he indicated it is his opinion the infrastructure system in the City of Raleigh is generally in good condition, especially when compared to most other cities, pointing out the good condition of our system stems from several factors including the general prosperity of the area, a clear delineation of responsibilities between developers, the City, the County and the State, our AAA bond rating, the fact that our water and sewer system is completely supported by user fees, the strong annexation policies and consistent progressive government including staff over a long period of years. He indicated, however, we cannot overlook the fact that both replacement of old infrastructure and the provision of new infrastructure will be a priority funding item for the years to come. His memo outlined trends that have lead to current problems being experienced throughout the country, and attached to the memo were two papers that were distributed at the conference. He indicated this information was basically for the Council's information, and he would like for the Council Members to review the information. He stated, however, we need to stay abreast on this issue on the Federal level and to continue our sound programs on the local level related to the necessary infrastructure in our community. The comments and information were received without discussion.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

SCHOOLS - POSSIBLE CLOSING - RESOLUTION OF OPPOSITION ADOPTED

Mr. Upchurch indicated he had passed out a proposed resolution relating to the closing of public schools within the City Limits as being proposed by the Facilities Committee of the Wake County Board of Education. He indicated after the Facilities Committee had met, the City Council adopted a position paper on the issue. He indicated he would request that the City Council adopt this resolution and that, along with our position paper, could be presented next week at the public hearing. He indicated he would be in Washington and would not be able to present it at the public hearing and requested Mayor York to present the information on behalf of the City Council. This was agreed to. Mr. Upchurch read the resolution in full which expressed strong opposition to the closing of Longview and Phillips Schools. He moved its adoption, which was seconded by Mr. Walters.

Mr. Walters indicated that central City neighborhood schools are vital to the City's revitalization, and elementary schools are a stabilizing factor in any neighborhood. He pointed out we all have to face the fact that busing is for racial balance, and this causes him problems as the center City neighborhoods have established racial balance because of the neighborhood racial balance. He questioned why the school

board could not focus their efforts on those schools who do not have a natural racial balance. He indicated if we allow these two schools to close, then young people will not want to move into these areas.

Ms. Babb indicated she would support the resolution, pointing out it is something that we have been talking about over the past year; that is, that a healthy city must have a healthy school system. She indicated for the record, she personally and would hope that we do not see this issue involve the busing issue as they are really two separate matters, with Mr. Walters disagreeing.

After brief discussion, the motion, as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION (1983) 177

BE IT RESOLVED by the City Council of the City of Raleigh that:

1. The closing of public schools within the City limits as now being proposed by the Facilities Committee of the Wake County Board of Education is strongly opposed; and

2. The full School Board is urged to take the appropriate steps to provide for the continued use of existing public school facilities within the City of Raleigh for the education of our children; and

3. The full School Board should consider that their actions on the use of school facilities can have an impact on other areas of public concern about the quality of life in Raleigh, such as revitalization of the downtown area, stabilization of neighborhoods and residential infill in existing urban areas, all of which would have positive long-range benefits to the public school system.

4. Since the two schools, Longview and Phillips, are in relatively good physical condition and the growth factors (Beltline, water, sewer, zoning) clearly indicate that the East-Southeast Raleigh area is in a position to accommodate substantial residential growth, these two schools should be retained in use.

Adopted: 3/1/83

CAMP DURANT MASTER PLAN - APPROVED; INTERGOVERNMENTAL LIAISON COMMITTEE TO DISCUSS FUNDING WITH WAKE COUNTY COMMISSIONERS

Mr. Upchurch indicated the Intergovernmental Liaison Committee RECOMMENDS APPROVAL OF THE MASTER PLAN FOR DURANT NATURE PARK AND FURTHER RECOMMENDS THAT THE WAKE COUNTY COMMISSIONERS BE ADVISED THAT THE CITY HAS APPROVED THE MASTER PLAN AND INDICATES DURANT NATURE PARK SHOULD BE CONSIDERED AS A SPECIAL PARK FOR FUNDING BY WAKE COUNTY IN THE FUTURE. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller.

Assistant City Manager Benton briefly explained the Master Plan, pointing out the major new feature is the Environmental Educational Center. He indicated the Master Plan is a multi-year project of a total cost of approximately 1.8 million dollars. He indicated Phase I involves the rehabilitation of the Campbell Lodge, bringing both dams up to meet the Dam Safety Act standards and further explained that the care-taker's house portion has been handled by $30,000 for the house utilized at the Home and Garden Show. He indicated the County was approached about funding assistance for the park, and it is his understanding that they do not choose to provide any special funds at this time. Brief discussion took place, and the motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Later in the meeting, City Manager Zachary explained that some time back the City Council had authorized the filing of a grant with the County for $100,000 relating to Camp Durant. He stated that application was denied. He stated, however, Administration was urged to file another application of around $25,000. He indicated Administration has filed the application along guidelines as outlined in the first application. This was received as information without comment.

DOROTHEA DIX COMMITTEE - COUNCILMAN UPCHURCH APPOINTED

Mayor York indicated he received a letter from Dr. Sarah T. Morrow dated February 21, 1983, which indicated she was appointing an Ad Hoc Advisory Committee to her department to advise her on the Dorothea Dix issue. The letter indicated she was extending an invitation to the Mayor or his designee to serve on the Committee. The task of the Committee would be as follows: (1) review proposals for consolidation of Dix Hospital to the East Campus; (2) make recommendations to the Secretary for efficient implementation of consolidation plans; (3) study institutional system for psychiatric care of mentally ill and make recommendations to the Secretary of the Department of Human Resources regarding the future of the system--staff, programs, patient care, financing and facilities; and (4) review plan for sharing resources with the Department of Correction and make appropriate recommendations to the Secretary. The letter also indicated that Dr. Gene Douglas, Director of the Division of Mental Health, will serve as chairperson of the Committee, and the first meeting was scheduled for Monday, February 28.

Mayor York indicated he felt that this appointment should be a Council appointment, and he would take responsibility for the City's representative missing the first meeting. He indicated Mr. Upchurch has, as Chairman of the Intergovernmental Liaison Committee, worked on this issue, and he would suggest that he be named the City's representative. Mr. Edwards pointed out all Council Members are very interested in this project; however, Mr. Upchurch has followed it very closely. Therefore, HE WOULD MOVE THAT MR. UPCHURCH BE DESIGNATED THE CITY'S APPOINTEE ON THE DOROTHEA DIX COMMITTEE. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

LIBRARIES - SUPPORT FOR BRANCH SYSTEM VOICED - ITEM REFERRED TO INTERGOVERNMENTAL LIAISON COMMITTEE

Mr. Jordan indicated he would like to bring up a matter of concern, and that relates to the library at North Hills Mall. He indicated he feels that we are approaching the point of not having a library at North Hills Mall if the County keeps going like it is. He stated if we are not careful, we are going to end up without a library in this area. He pointed out North Hills, Inc., owns North Hills Shopping Center as well as North Ridge. He indicated when North Ridge Shopping Center was constructed, there was a nice area that could have been utilized by the library, and North Hills asked the library about the possibility of moving to North Ridge. However, the County did not opt to do that. He stated, in his opinion, North Hills, Inc., has given the boot to the library, and if something is not done, we will end up without a facility in this area. He stated he would like to ask the Intergovernmental Liaison Committee to work on this. Mr. Jordan explained he supported the merger with the County, but he said at the very beginning that he felt that the City Council would end up taking over this matter, if we are really concerned about the library service in the City.

Mr. Edwards indicated he would feel that a branch the size of North Hills would be a large drawing card for the Mall; therefore, he is somewhat in awe about what is taking place. He indicated he thought the move was taking place because of the demand for the space at North Hills but that North Hills, Inc., was going to provide a permanent facility, with Mr. Jordan pointing out there are a lot of ways to tell people to get out. Mr. Jordan suggested the possibility of meeting with the County Commissioners and talking with them face to face. Ms. Babb suggested referring the matter to the Intergovernmental Liaison Committee to develop a position. Mr. Upchurch indicated the Intergovernmental Liaison Committee has the meeting scheduled with the County on Thursday, and they would discuss the libraries with the County officials at that time. Mr. Jordan indicated he feels that we should make a strong statement of our support of the libraries, and he would move THAT THIS MATTER BE REFERRED TO THE INTERGOVERNMENTAL LIAISON COMMITTEE TO DISCUSS WITH THE COUNTY AND THAT THE CITY VOICE ITS SUPPORT FOR THE LIBRARY SYSTEM, SUPPORT FOR THE PRESENT BRANCH SYSTEM AND OPPOSITION TO WHAT IS TAKING PLACE AT NORTH HILLS AND TAKE A STAND OR POSITION OF STRENGTH FOR THE CURRENT SYSTEM. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED. Brief discussion followed on the City's position; however, no further action occurred.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

REZONING Z-72-82 - REQUEST FOR WAIVER OF TWO-YEAR WAITING PERIOD - DENIED

Chairman Calloway reported the Comprehensive Planning Committee RECOMMENDS THAT THE PLANNING COMMISSION'S CR-1824 BE UPHELD; THAT IS, TO DENY THIS REQUEST FOR WAIVER OF THE TWO-YEAR WAITING PERIOD. On behalf of the Committee, he moved the recommendation be upheld which was seconded by Ms. Babb.

Mayor York indicated he feels the current request is different enough to grant the waiver. He stated, in his opinion, the property owner should be allowed to file the case, pointing out he was not saying that the rezoning would be granted but that this is a substantial change or request and meets the criteria for granting the waiver. Mr. Edwards indicated he believes in this particular case, it was an attempt to somewhat circumvent the procedure. He explained when the first case came in, the Creedmoor Road Corridor Plan was in place, and the applicant just completely ignored the study. He indicated the case just keeps coming back, pointing out it seems they started at the top and just kept dropping down.

Lengthy discussion took place with it being pointed out that this is a request to waive the two-year waiting period, and we should not be discussing the merits of the case nor the Creedmoor Road Corridor Plan, that the only thing the Council should be discussing at this point is whether the request is of substantial change in order to grant the waiver of the two-year waiting period. Various Council Members voiced their opinion in this case, with Mr. Walters pointing out the Corridor Study has nothing to do with the request for waiver, with Mr. Jordan agreeing, pointing out when the procedure for waiver of the two-year waiting period was established, it was an effort to keep people from coming in time and time again with the same request and wearing the neighborhoods out. He indicated, in his opinion, anyone in the City has the right to appear before the governing board and ask to be heard, and all we should be discussing at this meeting is whether this request is a substantial change from the original request, and we should not even be talking about the zoning case, the Creedmoor Road Corridor Plan, etc. Ms. Babb called for the question, and without objection, the vote on the motion was put to a vote with results as follows: Ayes - Babb, Calloway, Edwards, Keller, Upchurch; Noes - York, Walters, Jordan. THE MAYOR RULED THE MOTION ADOPTED.

REZONING Z-25-83 - LITCHFORD AND ROWLAND ROADS - APPROVED - ORDINANCE ADOPTED

Chairman Calloway reported the Comprehensive Planning Committee RECOMMENDS THAT THIS APPLICATION FOR REZONING BE UPHELD; THAT IS, THAT PARCELS 338 AND 339, TAX MAP 353, AND PARCEL 332, TAX MAP 326, BE REZONED FROM RESIDENTIAL-4 TO RESIDENTIAL-10. He explained this covers approximately 35 acres located in the northeast corner of the intersection of Litchford and Rowland Roads. On behalf of the Committee, he moved the recommendation be upheld which was seconded by Mr. Edwards and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 74 ZC 116.

REZONING Z-4-83 - MID-PINES ROAD - APPROVED - ORDINANCE ADOPTED

Chairman Calloway reported the Comprehensive Planning Committee RECOMMENDS THAT THE PROPERTY COVERED BY THIS APPLICATION BE REZONED RESIDENTIAL-6; THAT IS, THAT PARCEL 14, TAX MAP 629, WHICH COVERS APPROXIMATELY 14.2 ACRES BE REZONED WITH THE UNDERSTANDING THE REZONING WOULD BE ACCORDING TO THE BOUNDARY SURVEY DRAWN BY MCNEIL AND ASSOCIATES, DATED OCTOBER 17, 1982. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 74 ZC 116

AN ORDINANCE TO AMEND THE ZONING ORDINANCE BEING CHAPTER 10 OF THE CODE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

a. Shelley Road, north side, at its eastern intersection with Leadmine Road, being Parcel 174, Tax Map 378, rezoned to Residential-6 and Conservation/Buffer (being 2.88 acres south of the creek) and a 10' strip along the future rights-of-way of Leadmine Road and Shelley Road, according to a map entitled "Z-73-82 - Edwards' proposal, dated March 1, 1983," on file in the City of Raleigh Planning Department (Z-73-82).

b. Mid-Pines Road, east side, approximately 1,000 feet south of Holly Springs Road, being Parcel 14, Tax Map 629, rezoned to Residential-6, according to the boundary survey drawn by McNeill and Associates and dated October 27, 1982 (Z-4-83).

c. Litchford Road and Rowland Road, northeast corner of the intersection, being Parcels 338 and 339, Tax Map 353, and Parcel 322, Tax Map 326, rezoned to Residential-10 District (Z-25-83).

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective on the date of adoption, March 1, 1983.

Adopted: 3/1/83

Effective: 3/1/83

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

SURPLUS PROPERTY - PROPERTY AT THE CORNER OF GARLAND DRIVE AND LORIMER ROAD - SALE AUTHORIZED

Chairman Walters reported the Real Estate Committee RECOMMENDS THAT THE LOT IDENTIFIED ON TAX OVERLAY 549 AS NUMBER 89A AT THE CORNER OF GARLAND DRIVE AND LORIMER ROAD BE OFFERED FOR SALE AT THE MINIMUM BID OF $2,000. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Jordan, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

COMMUNITY DEVELOPMENT DEPARTMENT - FAIR MARKET ACQUISITION VALUES - ESTABLISHED

Mr. Walters reported THAT THE REAL ESTATE COMMITTEE RECOMMENDS APPROVAL OF THE "FAIR MARKET ACQUISITION VALUES" BASED ON TWO ACQUISITION APPRAISAL REPORTS AND A REVIEW APPRAISAL REPORT AS FOLLOWS:

	PARCEL	VALUE
A.	707 South Person Street B0123-0010	$ 9,250.00
B.	509 East Davie Street B0003-0055	$ 9,100.00
C.	507 East Davie Street B0003-0056	$ 9,500.00

D.	505 East Davie Street B0003-0057	$10,800.00
E.	Civic Center House (Formerly 517 East Lenoir Street)	$33,500.00*

*This value is set based on the actual cost of rehabilitation of the house and moving it back to the site.

Mr. Walters moved the recommendations as outlined be upheld. His motion was seconded by Mr. Edwards, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

COMMUNITY DEVELOPMENT DEPARTMENT - OFFERS TO PURCHASE - APPROVED

Chairman Walters reported the Real Estate Committee RECOMMENDS APPROVAL OF THE "OFFER TO PURCHASE" THE FOLLOWING PROPERTIES AT THE ESTABLISHED FAIR MARKET DISPOSITION OR REUSE VALUE:

	PARCEL	VALUE
A.	314 South Swain Street B0003-0039	$33,500.00
B.	415 South Alston Street B0064-0015	$35,000.00
C.	313 South Swain Street B0004-0002	$33,500.00
D.	608 East Hargett Street ½ of Parcel B0005-0008	$11,127.50
E.	Lot #1 Bladen Street B0011-0048 Part of B0011-0020 Part of B0011-0021	$ 4,050.00
F.	Lot #3 Bladen Street B0011-0050	$ 4,400.00

Mr. Walters moved the Real Estate Committee's recommendation be upheld. His motion was seconded by Mr. Edwards, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

NORTH CAROLINA HOUSING FINANCE AGENCY PROGRAM - INFORMATION RECEIVED

Mr. Walters indicated during the last Council Meeting, the Council directed that Administration attempt to secure a representative of the North Carolina Housing Finance Agency to explain their program to the Council. This was attempted, but the City was informed that representatives of the agency did not like to appear before a governing board on the same day that a possible client was seeking approval of a project for financing by the agency. Mr. Walters reported there will an item on the Night Agenda requesting approval of another one of these projects. For that reason, the City Manager asked a representative of the Housing Agency to explain their program to the Real Estate Committee which met on Thursday morning, February 24.

Former Council Member, James Quinn, came to the meeting and did explain the program. He stated that basically a City Council approval of an applicant's request indicated to the North Carolina Housing Finance Agency that the zoning on the property would permit the proposed project and that the density proposed would fit on the parcel proposed. He indicated the State understood that all the City's development regulations would have to be complied with but, before they spend the time to review an application, they wanted to know basically that the municipality knew about the project, that the zoning on the tract of property proposed for use was proper and that the number of units proposed could be placed on the site. Mr. Walters indicated the Council would expect to have a recommendation from Administration each time one of these requests comes before the Council for a development to be financed by the North Carolina Housing Finance Agency. He indicated Administration will also give information to the Council regarding past project approval as to whether the zoning and the density were proper.

Mr. Walters indicated as he understands what Mr. Quinn has said, it means that both resolutions that the City Council has already adopted that we have said to the State that the density and zoning is correct, and we do not know if that is true. Mr. Walters indicated he had concern about the number of these projects and where they were, size of the project, etc. He indicated he would also request that when these projects come in, we go a step further, find the exact location, road alignment, etc. Mr. Edwards indicated as he understood Mr. Quinn, when the application was submitted, they only wanted to be sure that the density and the zoning were correct and the municipality knew about it. He indicated Mr. Quinn did enlighten him on the program, and he feels the City Council should support the program as it is for moderate income persons, and we do need more housing in the City in this price range. City Manager Zachary indicated he would bring the Council back a report on those projects that have already been approved as to whether they meet our zoning and density requirements. The item was received as information.

REPORT AND RECOMMENDATION OF THE WORK SESSION

HILLSBOROUGH STREET TASK FORCE - VARIOUS RECOMMENDATIONS MADE

Mayor York indicated during the Work Session, the following recommendations were made:

1. It is recommended that Administration's recommendations relating to policy recommendations, land use, neighborhood quality and character, and appearance relating to Hillsborough Street be adopted.

2. It is recommended that action be held on the Transportation recommendation as outlined in the Hillsborough Street Task Force and directed that Administration conduct a study of the Hillsborough Street traffic, with the study being directed toward alternatives for two-way movement of traffic, with the understanding a report will come back to Work Session within sixty days.

3. It is recommended that the Hillsborough Street Task Force continue to work as it is presently constituted until the traffic report is made, and, at that time, the Hillsborough Street Task Force could make a recommendation as to how to continue the work.

Mr. Edwards MOVED THAT THE RECOMMENDATION OF WORK SESSION AS IT RELATES TO THE HILLSBOROUGH STREET TASK FORCE BE UPHELD. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

MARCH WORK SESSION - AGENDA ESTABLISHED

Mayor York indicated during Work Session it was RECOMMENDED THAT THE MARCH WORK SESSION BE DEVOTED ENTIRELY TO A REVIEW OF THE PUBLIC UTILITIES CAPITAL IMPROVEMENTS PROJECTS, VISITING THE FACILITIES, ETC., WITH THE UNDERSTANDING THAT THE NORTH PLANNING DISTRICT LAND USE UPDATE WILL BE DELAYED UNTIL THE APRIL WORK SESSION. Mr. Edwards moved the recommendation be upheld. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PARKS AND RECREATION - LEVEL OF FUNDING - REMOVED FROM THE AGENDA

Mayor York indicated during the Work Session it was RECOMMENDED THAT THE CITY COUNCIL CONCUR WITH THE CITY MANAGER'S RECOMMENDATION AS OUTLINED IN A STATEMENT DATED FEBRUARY 10, 1983, WITH THE FURTHER UNDERSTANDING THAT THIS ITEM WILL BE REMOVED FROM THE AGENDA AND THAT THE CITY MANAGER WILL BRING BACK RECOMMENDATIONS ON PARKS AND RECREATION LEVEL OF FUNDING AS NEEDED. Mr. Calloway moved the recommendation as outlined be upheld. His motion was seconded by Mr. Keller and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE COUNCIL MEMBERS

Ms. Babb indicated she needs to be excused from the remainder of the meeting and the night portion of the meeting and would like an opportunity to bring her report forward. Without objection, it was agreed to receive Ms. Babb's report at this time and excuse her from the remaining portion of the meeting.

REVENUE SHARING - RESOLUTION OF SUPPORT - ADOPTED

Ms. Babb presented Council Members with a proposed resolution to endorse the reenactment of the Federal Revenue Sharing Program. She explained the League of Municipalities has formed a Revenue Sharing Task Force, and she is serving on this task force to represent the Fourth District. She indicated the task force will be meeting with Congressman Andrews at 11:15 on Tuesday, March 8, in Washington, and she would invite all Council Members who will be Washington to attend this meeting. She stated she would also suggest that the Council ask the Mayor to contact the Chairman of the County Commissioners and ask them to get involved with the push for reenactment of Revenue Sharing Funds. She indicated she would also ask the Mayor to contact the Mayors' Association to ask them to push for this reenactment. Ms. Babb MOVED ADOPTION OF THE RESOLUTION ENDORSING THE REENACTMENT OF REVENUE SHARING FUNDS AND ALSO REQUESTING THE MAYORS' ASSOCIATION AND THE COUNTY COMMISSIONERS' ASSOCIATION TO BECOME INVOLVED. Her motion was seconded by Mr. Edwards, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 178

A RESOLUTION TO ENDORSE THE REENACTMENT OF THE FEDERAL REVENUE SHARING PROGRAM

WHEREAS, The City of Raleigh, North Carolina, and many other cities have participated in the Revenue Sharing Program since the creation of the program in 1972; and

WHEREAS, the funds provided by the Revenue Sharing Program are instrumental in allowing municipalities to meet their service responsibilities; and

WHEREAS, the Revenue Sharing Program not only provides money for local government but also provides the money in a flexible fashion which allows many different types of needs to be met;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that:

Section 1. The City of Raleigh hereby endorses the reenactment of the General Revenue Sharing Program in substantially the form as it now exists and further, that Senator Helms, Senator East and Congressman Andrews be urged to support the program during congressional deliberations.

Section 2. This resolution shall become effective upon its adoption.

Adopted: 3/1/83

Distribution: Senator Helms
Senator East
Congressman Andrews

CONGRESSIONAL MEETING - INFORMATION RECEIVED

Mayor York indicated Members of the City Council will be attending the Congressional Meeting in Washington, beginning this coming weekend. He indicated Mr. Walters, Mr. Upchurch, Ms. Babb and Mr. Jordan will be attending. He indicated he would ask Mayor Pro Tem Walters to be in charge of our delegation, pointing out Ms. Sarah Wilson has some of the information. He indicated the Council usually works with Mr. Benton and the City Attorney in getting the Agenda together. He indicated if Mr. Walters has to leave early, he would ask Mr. Walters to appoint someone else to be in charge of Raleigh's delegation. The item was received as information.

MS. BABB EXCUSED FROM THE REMAINDER OF THE MEETING AT 4:10 P.M.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

HOUSING COMMITTEE - STAFF SUPPORT - AUTHORIZED

The Agenda indicated during the last Council Meeting, Mayor York supplied the Council with a memorandum relating to a proposed Housing Committee. Administration was directed to recommend a method of providing staff support. The Community Director and the Planning Director are preparing a recommended work program for the development of the comprehensive housing policy. This program will be presented for consideration by the Law and Finance Committee in the near future. Administration expects the development of a City housing policy to be somewhat different from the work of the special Housing Committee, but the two efforts should be closely coordinated. Therefore, it is recommended THAT THE COMMUNITY DEVELOPMENT DIRECTOR BE ASSIGNED THE RESPONSIBILITY FOR STAFF SUPPORT TO THE SPECIAL HOUSING COMMITTEE WHICH THE CITY COUNCIL PLANS TO APPOINT. Mr. Jordan moved the Manager's recommendation be upheld. His motion was seconded by Mr. Keller and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ANNEXATION REPORTS - VARIOUS AREAS - ADOPTED

At the January 18, 1983, Council Meeting, the City Council adopted a Resolution of Intent to annex four areas. The next step is for the Council to adopt the Official Annexation Reports for each area. The reports must be adopted two weeks prior to the public hearing which is scheduled for March 15. Once adopted, they will be made available to the public in the Clerk's Office. City Manager Zachary indicated Council Members received copies of the reports in their Agenda packets but pointed out those reports did not include some of the maps; therefore, Council Members will receive new copies of the Annexation Reports with the appropriate maps. IT IS RECOMMENDED THAT THE CITY COUNCIL ADOPT THE OFFICIAL ANNEXATION REPORTS FOR THE NORTH BOULEVARD CENTRE, THE SHIRE APARTMENTS, U. S. 70 WEST AND TOWER SHOPPING CENTER AND COMMERCIAL CENTER. Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Mr. Keller, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 179

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the report on the following area, as provided by and prepared in conformity with G.S. 160A-47, be and the same is hereby approved for consideration at the public hearing on the proposed annexation of such area which has been fixed for the date of March 15, 1983:

THE SHIRE APARTMENTS

Section 2. That such report shall be made available to the public in the Office of the City Clerk.

Section 3. That the appropriate City employees are authorized to prepare additional copies and a summary of such report for the public distribution.

Section 4. That this Resolution shall become effective immediately upon its adoption.

Adopted: 3/1/83

Effective: 3/1/83

RESOLUTION NO. (1983) 180

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the report on the following area, as provided by and prepared in conformity with G.S. 160A-47, be and the same is hereby approved for consideration at the public hearing on the proposed annexation of such area which has been fixed for the date of March 15, 1983:

TOWER SHOPPING AND COMMERCIAL CENTERS

Section 2. That such report shall be made available to the public in the Office of the City Clerk.

Section 3. That the appropriate City employees are authorized to prepare additional copies and a summary of such report for the public distribution.

Section 4. That this Resolution shall become effective immediately upon its adoption.

Adopted: 3/1/83

Effective: 3/1/83

RESOLUTION NO. (1983) 181

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the report on the following area, as provided by and prepared in conformity with G.S. 160A-47, be and the same is hereby approved for consideration at the public hearing on the proposed annexation of such area which has been fixed for the date of March 15, 1983:

NORTH BOULEVARD CENTRE

Section 2. That such report shall be made available to the public in the Office of the City Clerk.

Section 3. That the appropriate City employees are authorized to prepare additional copies and a summary of such report for the public distribution.

Section 4. That this Resolution shall become effective immediately upon its adoption.

Adopted: 3/1/83

Effective: 3/1/83

RESOLUTION NO. (1983) 182

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the report on the following area, as provided by and prepared in conformity with G.S. 160A-47, be and the same is hereby approved for consideration at the public hearing on the proposed annexation of such area which has been fixed for the date of March 15, 1983:

U. S. 70 WEST

Section 2. That such report shall be made available to the public in the Office of the City Clerk.

Section 3. That the appropriate City employees are authorized to prepare additional copies and a summary of such report for the public distribution.

Section 4. That this Resolution shall become effective immediately upon its adoption.

Adopted: 3/1/83

Effective: 3/1/83

CAROUSELS - MAINTENANCE PROPOSAL - ADOPTED

Administration proposes to provide preventative and corrective maintenance for both City carousels by employing the current woodcarver one day a week. This service will be paid for out of a current budget line item for temporary/part-time work. Administration proposes to allow him to use a small portion of the basement of the maintenance building at Pullen Park the other four days of the week for his woodcarving work for others. This is a one-year proposal. APPROVAL OF THE PROPOSAL AS OUTLINED IS RECOMMENDED.

Brief discussion took place, with it being pointed out this is where work was carried on the restoration of the carousels. Mr. Edwards moved Administration's recommendation be upheld. His motion was seconded by Mr. Jordan, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

VISTA GRANT REQUEST - WITHDRAWN FROM THE AGENDA

City Manager Zachary requested that the proposed VISTA Grant request as outlined on the Agenda be withdrawn as it was improperly structured. WITHOUT OBJECTION, THE PROPOSED VISTA GRANT WAS WITHDRAWN.

PARKS AND RECREATION DEPARTMENT - CREATION OF REVENUE AND SPECIAL FACILITIES DIVISION - AUTHORIZED; REORGANIZATION APPROVED - FUNDS APPROPRIATED

City Manager Zachary indicated a proposal will be made that will involve equipment purchases and a reorganization in the Parks and Recreation Department, pointing out he would proposed utilizing funds that are in the current budget in the amount of $130,000 that are in a fund that was created for the purpose of implementing approved recommendations of the Parks Technical Committee. He indicated some of the funds will be for reorganization and purchase of equipment that will allow us to free up enough people to make new crews to help with parks maintenance.

Parks and Recreation Director Evans indicated one of the first things in the report from the Parks Technical Committee was the need for greater emphasis to generate and manage fees and charges. He indicated another heavy emphasis coming from this Committee was on grounds and parks maintenance, including highway maintenance. He stated he feels that with the funds available and with Council approval of the reorganization and the creation of the new division, we would be able to address these two fields.

Ersell Liles explained the existing organization in the Parks and Recreation Department, pointing out it has been in this structure since 1969 when the Parks and Recreation Divisions were combined into one department. He went through the current organization and explaining what items fall under what supervision at this point. He explained a proposed new division which would have the existing Parks and Recreation Director, and under the Director, we would have a Recreational Superintendent that would have all of his normal activities with the exception of shifting some to the new division. The same would be true for the Parks Superintendent. The new division would be a Revenue and Special Facilities Division and would be headed up by a Revenue and Special Facilities Superintendent. Under that person, we would have a Secretary II and an Aquatic Facility Supervisor. This person would be in charge of the five existing pools, including the year-round operation, the seventy personnel that are summer or seasonal, the two maintenance crews, etc. We would also create a Revenue Facilities Superintendent who would be in charge of three Park Managers, nineteen part-time and seasonal employees, the Naturalist at Camp Durant, the Resident Caretaker, three part-time laborers to work at Camp Durant during the summer and the Mordecai Historic Parks Director. He indicated these facilities and programs that would be shifted to the Revenue and Special Facilities Division would give us special focus, including lake management at Shelley, Wheeler and Johnson Lakes, amusements at Pullen and Chavis Parks, Camp Durant, Theatre in the Park, Raleigh Little Theatre, Mordecai Historic Park and all concessions both contractual and in-house such as food, boating, etc. Mr. Liles explained with this new division and reorganize the Parks and Recreation Department to have three major divisions, it would call for the need of the four new people; that is, the Revenue and Special Facilities Superintendent, two Section Superintendents and the Secretary. He stated all others are in place, and this would just involve simply reorganizing into the special division.

Mr. Evans indicated the study also addressed grounds maintenance. He explained presently we utilize six men crews to cut grass, and it is felt that productivity in grass mowing can be improved by increasing the width of the cutting ability. He indicated with the acquisition of new equipment in two crews, it would free up three positions that would be transferred into two other areas; thereby, creating a second crew to maintain highways and a crew for park maintenance itself. He stated by modernizing two of the three crews immediately, we would be gaining six people, and three would be transferred to highway maintenance and three to park maintenance. He indicated the third crew would not be touched at this point. He stated they foresee zoning the City into an east and a west zone for grass mowing purposes, and the third crew would be a roving crew of six people with the older equipment to take on a long series of parks and park maintenance. He pointed out this would not require any new personnel but would require the purchase of two turf tractors with twelve-foot cuts, an aerator and a seeder attachment, grading attachment and two seventy-two inch cut Hustler type mowers.

Mr. Liles went through the cost associated with this new division, pointing out the four people for the remaining four months of this year and their equipment would have a total cost of $38,185; the two turf tractors with the twelve-foot cut would cost $52,000; the aerator and a seeder attachment would cost $4,200; the grading attachment would cost $3,000; the two seventy-two inch cut Hustler type mowers would cost $32,615. In response to questioning, Mr. Liles indicated the annual personnel costs would be $78,000.

City Manager Zachary, in response to questioning, indicated he does recommend these four new people, the purchase of the new equipment and reorganization as outlined. He indicated he feels that we are going to end up in the future with a department of leisure service division. After brief discussion, Mr. Edwards MOVED APPROVAL OF THE NEW DIVISION IN PARKS AND RECREATION DEPARTMENT, AUTHORIZATION OF THE FOUR NEW POSITIONS AND PURCHASE OF THE EQUIPMENT AND TRANSFER OF THE $130,000 AS OUTLINED. His motion was seconded by Mr. Keller.

Mr. Jordan indicated he knows that we want to try to generate as much money as possible through the Parks and Recreation Department, but he feels we must be very careful in this as we do not want to charge so much for our citizens to utilize our Parks and Recreation facilities that they will not take advantage of it. Mr. Edwards indicated he feels that we are going to have to look closer and closer at the fee schedule, with Mr. Jordan indicating he is not too sure that user fees are the answer to the problem of all of the extra people utilizing our parks, pointing out too much use does cause deterioration. Brief discussion took place on the user fee concept, the fact that many other cities are surprised that people outside of the City are authorized to use our facilities, etc. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 175 TF 31.

ARTS COMMISSION - REQUEST TO FILE A GRANT FOR ADDITIONAL PERSONNEL - AUTHORIZED; MATTER REFERRED TO THE LAW AND FINANCE COMMITTEE

City Manager Zachary indicated this is a request from the Executive Director of the Arts Commission to increase her staff by an Administrative Assistant II. Ms. Lorber wants to utilize a grant from the State Arts Council to pay a portion of this position for three years. Council Members received information in their Agenda packets on the grant application. City Manager Zachary indicated he is not making a recommendation at this time, as the level of arts involvement by the City is a policy decision. Mr. Zachary indicated he believes that the Arts Commission and the Arts Staff have done an excellent job of raising the visibility of the arts in the City, and he believes that any major city needs a good visual arts program, and he believes that a good arts program, coupled with a festive retail element, is necessary for greater downtown promotion. He stated arts are a basic private sector function but always seemed to need some public support and the level of the City's support is a policy decision for Council consideration.

Brief discussion took place as to when the grant will be awarded and the fact that the application deadline is today, after which Mr. Jordan MOVED THAT ADMINISTRATION BE AUTHORIZED TO FILE THE GRANT APPLICATION BUT PLACE THE MATTER IN THE LAW AND FINANCE COMMITTEE TO STUDY THE NEED FOR THIS POSITION AND WHETHER, IF AWARDED, THE GRANT WOULD BE ACCEPTED. His motion was seconded by Mr. Edwards and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

TWIN PINES UTILITY REIMBURSEMENT CONTRACT - PROVISIONS OF SITE PLAN TO PREVAIL

The Agenda indicated the City Council authorized a utility reimbursement contract with Twin Pines which was subsequently signed and dated April 23, 1980. On September 1, 1981, the Council approved a utility extension plan for Twin Pines Development, Subdivision S-30-80, which specifically delineated the location of water lines to be installed by the developer. However, this plan is not consistent with the previously adopted agreement, and the Council action on the site plan did not specifically call for amending the agreement.

City Manager Zachary indicated since this project is now beginning to develop, it is essential for the City Council to clarify the expectations of the City for the installation of water lines by the developer. Assistant City Manager Benton explained the location of the project and pointed out when the reimbursement contract was approved, it set out responsibilities of the developer. However, when the site plan for S-30-80 was approved, it showed different responsibilities. He indicated we need a clarification as to the actual responsibilities of the developer, pointing out again the written agreement and the site plan approval differs. Mr. Jordan questioned if we voted to put a water line on Duraleigh Road. Brief discussion took place on the fact after which Mr. Jordan MOVED THAT THE AGREEMENT RELATING TO TWIN PINES UTILITY REIMBURSEMENT CONTRACT BE AMENDED TO REFLECT THE CONDITIONS AS SHOWN ON THE SITE PLAN APPROVAL. His motion was seconded by Mr. Keller and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

HOME AND GARDEN SHOW - COMMENTS RECEIVED

City Manager Zachary indicated Council Members will probably read in the afternoon paper comments about the attendance at the Home and Garden Show. He indicated the attendance this year was not as good as last year. He stated it looks like the show did not put any dollars in the City's budget; however, he thought we did break even. He indicated we did gain a lot from the Home and Garden Show as the garden clubs made money that will be reinvested in the City's Parks, the home builders gained exposure, we sold five more conventions at the Civic Center after they saw what the Civic Center could do, etc. He indicated he just wanted to make these comments as the show is not going to put a lot of dollars in the City's budget, but he feels that we did gain a lot. He stated he will look at the situation to see how we can do a better job in the coming years. The comments were received as information.

APRIL ZONING HEARINGS - PREVIOUS ACTION RESCINDED - HEARINGS TO BE ON NORMAL SCHEDULE

City Manager Zachary read Council Members a memo from the Planning Director relative to the number of zoning cases and text changes that are scheduled for April. Mr. Zachary pointed out some time back the Council agreed to a trial process in April whereby we would have only one zoning hearing. He stated we do have a record number of zoning cases in April, and he just wanted guidance from the Council. Brief discussion took place and Mr. Upchurch MOVED THAT THE CITY COUNCIL RETURN TO THE NORMAL PROCEDURE FOR ZONING HEARINGS IN APRIL; THAT IS, HAVE ZONING HEARINGS ON APRIL 5 AND 19. His motion was seconded by Mr. Calloway, and a roll call vote resulted in

all members voting in the affirmative. It was also agreed that the next zoning field trip would be scheduled for 8:00 a.m., March 31, to view all cases proposed for rezoning in April.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

PERSONNEL - REPORT TO BE GIVEN AT NEXT MEETING

City Attorney McCormick indicated yesterday Mr. Calloway received a letter relative to a personnel matter and asked him to bring the matter before the City Council. City Attorney McCormick indicated during the past year, there was a short executive session with the Personnel Director involving a possible lawsuit against the City. He indicated this letter, which Mr. Calloway provided copies to all Council Members, related to that same personnel action. He indicated the Personnel Director has not had an opportunity to develop information for Council, and he would like permission TO WRITE A LETTER TO THE ATTORNEYS INVOLVED AND TELL THEM THAT WE DID NOT HAVE TIME TO EVALUATE THE MATTER; HOWEVER, THE PERSONNEL DEPARTMENT AND THE CITY ATTORNEY WOULD PRESENT INFORMATION TO THE COUNCIL AT THE MEETING ON MARCH 15, AT WHICH TIME A RESPONSE COULD BE GIVEN. Without objection, this was agreed to.

REPORT AND RECOMMENDATION OF MAYOR AND CITY COUNCIL

YOUTH COUNCIL - REQUEST FOR SUPPORT OF SADD - FUNDS APPROPRIATED

Mayor York indicated he would yield the first part of his report to Student Mayor Marcella Taylor.

Marcella Taylor indicated SADD (Students Against Driving Drunk) is a nationwide project which the Raleigh Youth Council has agreed to support and organize. She stated as representatives of Raleigh's youth, they have come to recognize the problem of drinking and driving. She explained SADD is not against drinking, and it is not against driving but is wholeheartedly against the combination of the two for any age. She stated for youth, SADD will build better awareness of the affects of alcohol by using positive peer pressure, not by preaching from an adult standpoint. She stated the program will also improve communications between parents and their children on the subject of drinking. She stated the Youth Council is very excited about this project, and she was at the meeting today to ask for the Council's endorsement and also ask the City Council for $500 to get the program off the ground. She indicated the money will be utilized for promotional materials such as buttons and bumper stickers, pointing out they are targeting this program toward the high school students, and publicity will be their biggest problem. She explained drunk driving has become one of the nation's largest problem areas, and the percentages related to youth are very high. The Raleigh Youth Council is aware of this and realizes it as a major concern, pointing out youth, however, are not the only ones out there drinking and driving, and they hope to make everyone more aware of the risks they are taking, not only for themselves, but every person on the street. Mr. Upchurch MOVED APPROVAL OF THE RECOMMENDATION AND AN APPROPRIATION OF $500 FROM CITY COUNCIL CONTINGENCY OR REVENUE SHARING. His motion was seconded by Mr. Edwards, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 71 TF 14.

COMMUNITY DEVELOPMENT TOUR - REFERRED TO WORK SESSION

Mayor York indicated he had received a memo relating to a possible tour of houses in the Community Development area. He stated HE WOULD LIKE TO REFER THIS TO WORK SESSION, AND WE WILL GET IT SCHEDULED AS SOON AS POSSIBLE. Without objection, the item was referred to the Work Session.

TEXT CHANGE PROCEDURES - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mayor York indicated Council Members had received a memo from Howard Miller regarding text change procedures. He stated WITHOUT OBJECTION, HE WOULD REFER THE MEMO RELATING TO TEXT CHANGE PROCEDURES TO THE LAW AND FINANCE COMMITTEE FOR STUDY AND, IF NEEDED, A RECOMMENDATION BACK TO COUNCIL.

COUNCIL WORK SESSION - MANAGER TO WORK WITH MAYOR

Mayor York indicated we are in the middle of the two-year Council term. He stated we do have a lot of important items going on and stated he would LIKE TO ASK THE CITY MANAGER TO WORK WITH HIM IN SETTING UP A ONE-DAY WORK SESSION ON THE ITEMS THAT ARE BEFORE THE COUNCIL. He indicated we have had Work Sessions such as this in the past, and he feels they have been very helpful, and he would ask the City Manager to be considering items to be discussed and indicated hopefully we could have this Work Session in the next thirty to forty-five days and maybe have it on a Friday and in the same type format as in the years past. Without objection, this was agreed to.

VISION PROBLEM - WADE AVENUE - REFERRED TO ADMINISTRATION

Mr. Edwards indicated on Wade Avenue, just before you approach Dixie Trail, if you are going west, on the right-hand side next to a duplex, there are some shrubs that are growing into the right-of-way which are causing vision problems. Without objection, ADMINISTRATION WAS ASKED TO LOOK AT THE VISION PROBLEM BEING CREATED BY THE SHRUBS GROWING IN THE RIGHT-OF-WAY ON WADE AVENUE.

CARS - NUMBER ON SINGLE-FAMILY LOT - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mr. Jordan indicated he had been approached by a resident of North Hills Drive area complaining about a neighbor who has twenty-one cars parked on a single-family lot. He indicated reluctantly HE WOULD ASK THE LAW AND FINANCE COMMITTEE TO LOOK AT WHAT CAN BE DONE OR THE POSSIBILITY OF REGULATING HOW MANY CARS CAN BE ALLOWED ON A SINGLE-FAMILY RESIDENTIAL LOT. Without objection, the matter was referred to the Law and Finance Committee.

FIRE LANES - COMMENTS RECEIVED

Mr. Jordan indicated at one time, the City Manager looked at the fire lanes set up by shopping centers. He indicated he has problems in that people park in these fire lanes, and one day we are going to have a major fire at one of these shopping centers, and because of parking in the fire lanes, the fire trucks are not going to be able to get to the fire.

Brief discussion took place, with Mayor York pointing out a lot of places of business have parking right up to their front door. City Attorney McCormick indicated there is a new State law that allows cities to have fire lanes, and the Council may want to look at this. Discussion took place; however, no action was taken, with Mr. Jordan indicating he just feels that something should be done, and the City should require fire lanes.

CIVIC CENTER - RENT-FREE USE BY JAYCEE CHAPTER AT SHAW UNIVERSITY - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mr. Calloway indicated he had received a request from the Jaycee Chapter at Shaw University to utilize a room at the Civic Center on April 16, from 8:00 to 10:30 p.m., to put on a project to benefit the community. He indicated they are requesting rent-free use of this room. He stated he has checked with the Civic Center, and the room is available. He stated he feels that this is a very worthwhile project, and he would ask the Council to consider authorizing the rent-free use.

Brief discussion took place on the policy of allowing rent-free use at the Civic Center, with various Council Members indicating they would like to help but fear the precedent that would be set by allowing a non-City connected group to utilize the Civic Center free of charge. After brief discussion BY GENERAL CONSENSUS, THE REQUEST WAS REFERRED TO THE LAW AND FINANCE COMMITTEE FOR CONSIDERATION AND STUDY OF THE POLICIES.

LEGISLATIVE PROCESSES - SALE OF SWAKARA PERSIAN LAMB FUR COATS - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mr. Calloway indicated he had been contacted by a legislative process course at St. Augustine's College who had drafted a resolution and asked for its adoption by the City Council. This resolution relates to the sale of Persian lamb fur coats manufactured in Namibia, South Africa, and our diplomatic relationship with that country. City Attorney McCormick indicated he had some information from the State Department on this item. Brief discussion took place, and Mr. Calloway MOVED THAT THE MATTER OF ADOPTION OF A RESOLUTION RELATING TO THE DIPLOMATIC RELATIONSHIP WITH NAMIBIA BE REFERRED TO THE LAW AND FINANCE COMMITTEE. His motion was seconded by Mr. Jordan and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

APPOLO HEIGHTS - TRANSFER OF LAND - STATUS REPORT REQUESTED

Mr. Calloway REQUESTED ADMINISTRATION TO GIVE THE COUNCIL A STATUS REPORT AS IT RELATES TO THE NEGOTIATION BETWEEN THE CITY OF RALEIGH AND HUD IN TRANSFERRING THE APPOLO HEIGHTS PROPERTY. Without objection, the matter was referred to Administration for a status report.

SOUTH SAUNDERS STREET RIGHT-OF-WAY - ADMINISTRATION COMMENDED

Mr. Keller indicated he would like to commend the City Manager and Administration, pointing out at the last meeting, he asked them to look into the condition of the right-of-way at South Saunders Street. He indicated the Council received a report from the Department of Transportation within a few days after that meeting, indicating the work would be done by April 28. He commended the Manager for the expedient response to his request.

REPORT OF CITY CLERK AND TREASURER

MINUTES - FEBRUARY 15, 1983 - APPROVED WITH ADDITION

The City Clerk indicated Council Members received copies of the minutes of the February 15, 1983, Council Meeting in their Agenda packets. She indicated during that meeting, she reported to the Council that we had received three resignations on the Mayor's Committee on Services to the Handicapped--Earl L. Jennings, Jr., Van Ruffner and Edward L. Kershaw. She stated during the February 15 meeting, the Council agreed that since there was not a set number on this Committee, that the resignations would be accepted but no replacements made at this time. She stated in error, this was left out of the February 15 minutes, and she would ask the Council to amend the minutes in that respect.

There being no further corrections, MAYOR YORK ANNOUNCED THE MINUTES OF THE FEBRUARY 15, 1983, MEETING APPROVED AS AMENDED BY THE CLERK.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:05 p.m., to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk and Treasurer

mm/SP8(1)

The City Council of the City of Raleigh met in regular reconvened session on Tuesday, March 1, 1983, at 7:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb (absent and excused)
Mr. Calloway (arrived late)
Mr. Edwards
Mr. Jordan (absent and excused)
Mr. Keller
Mr. Upchurch
Mr. Walters

Mayor York called the meeting to order and indicated Mr. Jordan and Ms. Babb had called and requested to be excused from the meeting. He stated without objection, they would be excused. He also indicated Mr. Calloway had called and indicated he would be late and would request permission to be excused from the meeting until such time as he arrives. Without objection, Mr. Calloway was excused until his arrival at the meeting.

REQUESTS AND PETITIONS OF CITIZENS

FLAG SITUATION - REQUEST FOR AMENDMENT TO THE CITY CODE - REFERRED TO THE PUBLIC WORKS COMMITTEE

Reverend R. E. Garris, representing the North Haven Church, was at the meeting, pointing out he is the pastor and representative of North Haven Church. He indicated, as everyone is aware, his church was recently cited for violation of the Sign Ordinance of the City of Raleigh. He indicated they appreciate the hard work done by the City Council as representatives of the City. He stated they understand the reason for the sign ordinance, and the Bible teaches us to respect the law. Therefore, they have elected to pursue this matter by requesting the City Council to consider updating the Sign Ordinance of the City of Raleigh so that that it does not impede churches from displaying their religious flags.

Mayor York indicated he feels that some members of the Council are interested in looking at that portion of our ordinance. He indicated we do regulate signs, flags, etc., for safety purposes as well as aesthetic purposes. Mr. Edwards MOVED THAT THE REQUEST TO AMEND THE SIGN ORDINANCE AS IT RELATES TO FLAGS BE REFERRED TO THE PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Walters and passed unanimously.

Betty McGinnity had also requested permission to submit changes in the City ordinance regarding the flying of the church flag. She presented Council Members with suggested changes to the Code without comment. Those suggestions were also referred to the Public Works Committee.

EXTRATERRITORIAL JURISDICTION CHANGE - REQUEST - REFERRED TO THE INTERGOVERNMENTAL LIAISON COMMITTEE

John Graham, representing the Heirs of the Estate of A. J. Honeycutt, was at the meeting to request the Council to initiate action to move the ETJ line east of U. S. 1 North from the center line of Perry Creek Road to a marked survey line approximately 3,000 feet northeast of and roughly parallel to the present line. He indicated the subject survey line would be within three miles of the City Limits of Raleigh, and the property affected by this requested change is all owned by members of the Honeycutt family. He indicated he is requesting that this extension of the ETJ be effective June 30, 1983, with subject land zoned Residential-6.

Planning Director Chapman, utilizing a map available at the meeting, pointed out the existing ETJ and the request being made by Mr. Graham. He indicated the staff has not done a study to determine if it meets all requirements of the General Statute and also pointed out we would have to go to the County with this request. He indicated he believes that it would be good if the matter were referred to the Intergovernmental Liaison Committee to review the request by the County.

Mr. Edwards questioned if the ETJ has to follow some natural boundary such as a road or a creek, with Mr. Chapman indicating that is preferable but not a requirement. By general consensus, THE REQUEST TO AMEND THE ETJ LINE WAS REFERRED TO THE INTERGOVERNMENTAL LIAISON COMMITTEE.

NORTH CAROLINA HOUSING FINANCE AGENCY - POOLE ROAD PROJECT - RESOLUTION ADOPTED

Thomas W. Urquhart had requested the Council to adopt a resolution relating to a North Carolina Housing Finance Agency Project for 132 units on Poole Road. Mr. Urquhart was not at the meeting. City Manager Zachary indicated from the information he has, this includes a 96 unit new construction and rehab project. He stated he understands they are pulling together several tracts from existing lots, and they would have sufficient density at R-10 and could meet the zoning requirements without any rezoning. In other words, the zoning and density will accommodate the project.

Discussion took place as to the exact location of the project, after which Mr. Edwards moved approval. His motion was seconded by Mr. Upchurch. Mr. Walters indicated before he could vote in the affirmative, he would need to know more about this project. He indicated as he understands it, Eastern Boulevard will cross this property, and if the developer knew that, he probably would not want to build the

project. He indicated he did not know how the Planning Department knew that it would meet the density requirement when they did not know the exact location. He stated, in addition, he could not think of any apartments in that area that are in need of renovation. Mr. Keller indicated this points out the necessity for having these things pinpointed so the Council can know exactly what we are talking about. He stated he feels we need the specific information as it relates to zoning, proposed roads, etc. Mr. Edwards indicated he understood what Mr. Walters and Mr. Keller were saying, but he pointed out, however, as he understood this program and the charge to the City Council, is only the fact that the City Council concurs with this type of project being built in that particular location, and the zoning and the density will accommodate the project. He indicated if the project is approved, the builder or developer would have to come in and meet all subdivision requirements, street patterns, etc. He stated that type of information usually is not discussed in the preliminary approval. After other discussion, Mr. Walters MOVED THAT THE CITY COUNCIL DEFER ACTION ON THIS REQUEST AND PLACE IT ON THE NEXT AGENDA UNDER SPECIAL ITEMS. His motion was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Later in the meeting, Mr. Urquhart arrived and apologized for being late. He indicated this project is on Melvid Court. He stated there is an existing apartment complex that his company owns that they are planning to renovate. He explained the other piece of property is immediately to the east and would be accessed from Poole Road. Mr. Urquhart indicated he realized that Eastern Boulevard Extension would come through this property, and their plans show that. Mr. Walters indicated when the Wake Apartments were constructed, the owners objected to the Eastern Boulevard Extension, with Mr. Urquhart indicating they are the owners of Wake Apartments. After brief discussion, Mr. Walters MOVED THAT THE COUNCIL RESCIND THE PREVIOUS ACTION AND ADOPT A RESOLUTION RELATING TO THE NORTH CAROLINA HOUSING FINANCE AGENCY PROJECT AS REQUESTED. His motion was seconded by Mr. Keller and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 183

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF RALEIGH ON POOLE ROAD, RALEIGH, NORTH CAROLINA.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. The participation of the North Carolina Housing Finance Agency (the Agency) in the financing of the proposed housing project for occupancy by persons and families of lower income (as defined by the Agency) described below and located at Poole Road, in the City of Raleigh, North Carolina, is hereby requested and approved pursuant to G.S. 122A-5(1):

Description of the Proposed Project: An apartment complex consisting of 132 units, 19 buildings to be used by individuals for residential purposes.

This resolution will take effect upon its passage. Thereupon, upon motion of Mr. Walters, seconded by Mr. Keller, the foregoing resolution was passed by the following vote:

Ayes: Mayor York, Mr. Walters, Mr. Calloway, Mr. Edwards, Mr. Keller, Mr. Upchurch.

Absent: Ms. Babb and Mr. Jordan.

I, Brenda N. Anderson, Deputy Clerk of the City Council of Raleigh, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Raleigh City Council of said City at a meeting held on March 1, 1983, as related in any way to the passage of a resolution requesting and approving the participation of the North Carolina Housing Finance Agency in a housing project to be located in said City and that said proceedings are recorded in Minute Book Number 35 of the minutes of said Raleigh City Council, beginning at page _____ and ending at page _____.

I hereby further certify that due notice of said meeting was given pursuant to G.S. 143-318.8.

Witness my hand and the corporate seal of said City this 3rd day of March, 1983.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE.

MATTERS SCHEDULED FOR PUBLIC HEARING

HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for abating public nuisances as outlined below. The Inspections Division's efforts to notify the owners have been unsuccessful; therefore, notice was by publication in The Raleigh Times. The Mayor opened the hearing:

2900 Chavis Drive - Daphine Jones - $296.80. No one asked to be heard.

301 North State Street - William and Carolina Fain, Heirs - $226.80. Mr. Bartholomew indicated this property is scheduled to be sold for tax liens next week. He indicated if the City confirms this lien, then when the property is sold, the City will get its money back.

1107 Clifton Street - Elizabeth Middleton - $297.64. No one asked to be heard.

Mr. Edwards MOVED ADOPTION OF A RESOLUTION CONFIRMING CHARGES AS OUTLINED. His motion was seconded by Mr. Upchurch, and a roll all vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 184

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes, the City Council of the City of Raleigh has adopted Part 7, Chapter 5 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 7, Chapter 5.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 7, Chapter 5 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Daphine Jones	2900 Chavis Drive Map 629, Lot 52 ID # 0007784	$296.80
William and Carolina Fain, Heirs	301 North State Street Map G-2, Block G-23, Lot 10 ID # 0021332	226.80
Elizabeth Middleton	1107 Clifton Street Map G-44, Block G-229, Lot 3-B ID # 0047118	297.64

Section 3. That this resolution shall become effective March 1, 1983.

Adopted: 3/1/83

PUBLIC NUISANCE COST CONFIRMATION - 621 WEST LENOIR STREET - CORRECTING RESOLUTION ADOPTED

This was a hearing to consider correcting Resolution 1973-985 to indicate the owner of the property as the H. Leonard Morgan, Heirs. This resolution confirmed charges for abating public nuisances at 621 West Lenoir Street, and the charges were incorrectly confirmed in the name of Lillie Swann. Housing Inspections Supervisor Bartholomew indicated we are in the process of foreclosure on this property, and this correction is needed so that the attorney can proceed to clear up the matter. No one asked to be heard. Mr. Upchurch MOVED ADOPTION OF A RESOLUTION CORRECTING RESOLUTION 1973-985 AS OUTLINED. His motion was seconded by Mr. Edwards, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION (1983) 185
A RESOLUTION TO CORRECT RESOLUTION NO. (1973) 985

WHEREAS, the City of Raleigh adopted Resolution No. (1973) 985 which confirmed charges for abating public nuisances at 621 West Lenoir Street in the name of Lillie Swann; and,

WHEREAS, it has now been found that the correct owner of the property should be the H. Leonard Morgan, Heirs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That Resolution No. (1973) 985, as it relates to 621 West Lenoir Street (I.D. No. 0048971), be amended to reflect the correct owner of the property, H. Leonard Morgan, Heirs.

Section 2. That no other portion of this Resolution is affected by the amendment.

Adopted: 3/1/83

Effective: 3/1/83

STREET IMPROVEMENTS - SHERMAN STREET - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider the installation of curbs, gutters, drains and paving 31 feet back-to-back on Sherman Street from Carlton Street to the dead end. Chief Engineer Thomas explained the location and the proposed project.

MR. CALLOWAY ARRIVED AT THE MEETING AT 7:30 P.M.

The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Keller indicated he brought this up originally. He stated it is a dark area with a lot of traffic going into a parking lot, and he felt that the street should be opened up. Therefore, HE WOULD MOVE ADOPTION OF A RESOLUTION DIRECTING THE PROJECT AS ADVERTISED. His motion was seconded by Mr. Edwards, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 186

A RESOLUTION DIRECTING THAT STREET IMPROVEMENTS DESCRIBED HEREIN BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that street improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of curbs, gutters and drains and paving 31 feet back-to-back on Sherman Street from Carlton Street to dead end.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., one-half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost, including street intersections to be borne by the City of Raleigh).

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 3/1/83

PU 1983-1 - WATER LINE INSTALLATION WITHIN WAKE FOREST ROAD - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 100 feet of 12-inch water main within Wake Forest Road right-of-way, beginning 225 feet south of Ollie Street, with assessment by the front footage basis to apply. Public Utilities Director Butler explained the location and the project. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Edwards MOVED ADOPTION OF A RESOLUTION DIRECTING PU 1983-1 AS ADVERTISED. His motion was seconded by Mr. Calloway, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 187

A RESOLUTION TO DIRECT THAT THE WATER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFORE

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefore; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1983-2 - Installation of approximately 100 feet of 12-inch water main within Wake Forest Road right-of-way beginning 225 feet south of Ollie Street (center line) southward.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 3/1/83

SIDEWALK INSTALLATION - LAKE BOONE TRAIL - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider the installation of sidewalks on the north side of Lake Boone Trail from 120 feet west of Still Forest Place to approximately 200 feet east of Blue Ridge Road, with assessment against the property owners to apply. The Mayor opened the hearing to the public.

Bill Barbour, Director of Plants at Rex Hospital, indicated they had no qualm with the sidewalk on the east side of their main entrance; however, on the west side of the main entrance, they see no need as it would serve no purpose. Wilber Doyle indicated he opposed the idea of the City taking him in and then coming back and telling him he's got to have a sidewalk and charging him. He stated that was a foolish law. No one else asked to be heard, thus the hearing was closed.

Mr. Walters questioned the need of the sidewalks west of the main entrance to Rex Hospital. Mr. Edwards pointed out sidewalks are built for pedestrian traffic to continue. He indicated to stop where some entity feels that sidewalks are not needed just disrupts this flow of pedestrian traffic. He stated, in his opinion, sidewalks should continue on to Blue Ridge Road. He stated this matter was studied in the Public Works Committee, and the Public Works Committee recognized that there will be pedestrian traffic along Blue Ridge Road, and we will need to move that traffic. He stated this does follow our sidewalk procedures and regulations.

City Manager Zachary indicated there are a number of office buildings being constructed on the west side of Blue Ridge Road. Mr. Upchurch indicated the sidewalks will fill in, and there will be pedestrians in this area. He stated it is a choice of walking in the street or walking on the sidewalk, and he feels there is a great need for pedestrian ways in this area. Mr. Edwards indicated he does see this as a public need, and, therefore, WOULD MOVE ADOPTION OF A RESOLUTION DIRECTING THE INSTALLATION OF SIDEWALKS AS ADVERTISED. His motion was seconded by Mr. Calloway, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 188

A RESOLUTION DIRECTING THAT SIDEWALK IMPROVEMENTS BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Section 6.44 of the Raleigh City Charter and Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property assessable therefore; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property assessable therefore pursuant to Section 6.44 of the Raleigh City Charter and Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of sidewalks on the north side of Lake Boone Trail from 120 feet west of Still Forest Place to approximately 200 feet east of Blue Ridge Road.

Section 2. That the improvements shall be of concrete and shall be made in conformity with rules, regulations and specifications of the City of Raleigh.

Section 3. When a sidewalk is constructed on only one side of the street, the entire cost thereof shall be assessed against the property abutting on both sides of the street, unless there already exists a sidewalk, on the other side of the street, the total cost of which was assessed against the abutting property.

Section 4. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of six percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Adopted: 3/1/83

ANNEXATION - WAYNERIDGE SUBDIVISION - ORDINANCE ANNEXING EFFECTIVE FEBRUARY 28 ADOPTED; CITY TO AGREE TO HOLD HARMLESS PROVIDED CITY ATTORNEY APPROVES WORDING

This was a hearing to consider the contiguous annexation of a portion of Wayneridge Subdivision. The hearing is pursuant to petition, notification and advertisement as required by law. Planning Director Chapman explained the area and Staff's recommendation to annex the property.

Ken Martin, 5417 Edington Lane, indicated he represents Wayneridge Associates. He stated they would like to be annexed as soon as possible, pointing out they have scheduled a bid opening for the utilities, and if action is taken tonight, he thinks they will qualify for the reimbursement procedures. He stated they have run into a problem relating to the sewer easement to serve this property. He indicated he has discussed this with various City personnel, and there are a couple of things that they need in addition to the annexation. He stated he would like for the Council to designate someone to sign the map for recording the easement where it crosses City park property. He indicated the easement also has to cross private property, and they have negotiated an easement with this private property owner; however, that private property owner has come up with a couple of things or requirements. One is for a "hold harmless agreement" from the City on the 158 foot easement across his property. The other thing is on the stamp the City places on the map refers to "road dedication", and he would like for that to say "sewer dedication". City Attorney McCormick indicated as far as changing the stamp or the wording on the stamp is concerned, he does not feel that that is any problem at all; just have someone indicate "sewer" over the word "street or road". He indicated the Council can authorize anyone in the City to sign the map on behalf of the City so that is no problem. He stated the third thing relates to the "hold harmless agreement", and that has been done in some cases by the City Council, but it is a policy decision. He indicated the property owner wants to be held harmless by the City. He indicated if an accident occurred on the easement, the affected person could sue the City and the property owner as the underlying fee owner of the land, and the property owner just wants to make sure that that does not occur.

City Attorney McCormick, in response to questioning, indicated when we acquire an easement, we do not normally provide "hold harmless" to the property owner. He indicated it is no big problem, but it would be a Council decision as to whether they wanted to take on this responsibility. He pointed out he would never tell the Council to give up any of its powers or rights. He stated this is something that he cannot really recommend, but he feels if the Council could make a decision, we could put certain language in the agreement. After brief discussion, Mr. Edwards MOVED ADOPTION OF AN ORDINANCE ANNEXING THE PROPERTY EFFECTIVE MARCH 31, 1983, ADOPTION OF A RESOLUTION PLACING THE PROPERTY IN ELECTORAL DISTRICT D, AND AUTHORIZATION FOR THE CITY TO PROVIDE "HOLD HARMLESS" RELATING TO THE SANITARY SEWER EASEMENT SUBJECT TO THE PROPER WORDING BEING APPROVED BY THE CITY ATTORNEY'S OFFICE. His motion was seconded by Mr. Walters, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 189

A RESOLUTION TO AUTHORIZE THE INCLUSION OF WAYNERIDGE IN CITY ELECTORAL DISTRICT D

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1983) 76 adopted March 1, 1983, annex a parcel of land being commonly known as Wayneridge; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District D is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the area known as Wayneridge as described in Ordinance No. (1983) 76 be added to the City Electoral District D.

Adopted: 3/1/83.

ORDINANCE NO. (1983) 76

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS WAYNERIDGE

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on March 1, 1983, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, no petition was filed at said meeting of the City Council objecting to the annexation of said territory and asking that an election be held thereon;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of March 31, 1983:

Area for Annexation: Beginning at a point (control point) in the center line of Wayne Street 660.92' East from SR 1319; runs thence from said beginning point N 15° 51' 50" E for 608.65' to a point along the Southern property line of Penwood Apartments (existing City limits line); runs thence along City limits line S 88° 15' 50" E for 916.00' to a point; runs thence S 02° 59' W for 1,054.5' to a point; runs thence S 87° 51' 30" W for 143.57' to a point; runs thence N 25° 51' 40" W for 377.81' to a point along the Southern R/W line of Wayne Street extended; runs thence along said R/W which is in curve No. 2 [T=229.72', R=374.747', 63° 01' 00" L=412.16'] for a distance of 345.16'; runs thence along said R/W line N 67° 00" W for 113.01' to a point; runs thence along curve No. 1 [T=108.10', R=1,760.416', 07° 01' 40", L=215.93'] for a distance of 212.85' to a point; runs thence N 74° 01' 40" W for 91.84' to a point along said Southern R/W; runs thence N 15° 51' 50" E for 30' to the point and place of beginning and being a tract of land containing 18.271 acres referenced to a map drawn by Walter B. Bunn, R.L.S., dated December 20, 1982. Titled Property of Wayneridge Associates "Annexation Map."

Section 2. It being understood and agreed that the developer will at his expense, construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the Office of the Register of Deeds for Wake County, and in the Office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective March 31, 1983.

Adopted: 3/1/83

Effective: 3/31/83

ADJOURNMENT

There being no further business, the meeting adjourned at 7:45 p.m.

Gail G. Smith
City Clerk and Treasurer

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